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## THE RISE OF NORMATIVE JUDAISM

### I. TO THE REORGANIZATION AT JAMNIA

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THE centuries which we designate politically by the names of the dominant powers of the age successively as the Persian, Greek, and Roman periods of Jewish history constitute as a whole an epoch in the religious history of Judaism.<sup>1</sup> In these centuries, past the middle of which the Christian era falls, Judaism brought to complete development its characteristic institutions, the school and the synagogue, in which it possessed, not only a unique instrument for the education and edification of all classes of the people in religion and morality, but the centre of its religious life, and to no small extent also of its intellectual and social life. Through the study of the Scriptures and the discussions of generations of scholars it defined its religious conceptions, its moral principles, its forms of worship, and its distinctive type of piety, as well as the rules of law and observance which became authoritative for all succeeding time. In the light of subsequent history the great achievement of these centuries was the creation of a normative type of Judaism and its establishment in undisputed supremacy throughout the wide Jewish world.

The definitive stage in this development was reached in the latter half of the second century of our era and the beginning of the third. The terminus is formally marked by the comple-

<sup>1</sup> The name Judaism is now generally appropriated to the religion of this period and what came after it, in distinction from that of the preceding centuries down to the fall of the kingdom of Judah (586 B.C.), which is called the religion of Israel.

tion and general acceptance of the body of traditional law (Mishnah) proceeding from the school of the Patriarch Judah and with his authority.<sup>2</sup> The recognized Palestinian scholars of the preceding generations from about the beginning of the Christian era, as transmitters and expositors of the unwritten law, are called *Tannaim*, "Traditioners." Their successors are the *Amoraim* — we might say "Lecturers" — a name given both in Palestine and Babylonia to the teachers who expounded and discussed the traditional law formulated in the Mishnah with constant reference to the various extraneous sources of authentic Tannaite tradition,<sup>3</sup> and as jurisconsults gave decisions on the interpretation and application of the law. This kind of study of the law was called *Talmud*, "Learning," and eventually gave its name to the compilations embodying the labors of the Amoraim for many generations which are known as the Palestinian<sup>4</sup> and Babylonian Talmuds. The former reached substantially the stage in which it has come down to us in the schools of Galilee by the first quarter of the fifth century; the latter in Babylonia about a century later.

The beginning of the period is connected in different ways by both Jewish tradition and modern criticism with the work of Ezra, a priest and scribe (biblicist), who came from Babylonia bringing the Book of the Law of Moses and armed with royal authority to promulgate and administer it in Judaea. Judaism saw in him the restorer of the law: When the law had been forgotten in Israel, Ezra came up from Babylonia and firmly established it.<sup>5</sup> He was worthy to have been the one to give the law, if it had not already been given by Moses.<sup>6</sup> To Ezra is attributed the substitution, in the copying of the Scriptures, of the "Assyrian" (Syrian) characters<sup>7</sup> for the old Hebrew

<sup>2</sup> Died early in the third century (210–220).

<sup>3</sup> The juristic Midrash and Baraita.

<sup>4</sup> More commonly called the Jerusalem Talmud.

<sup>5</sup> Sukkah 20a, below. So, it is added, did Hillel when it had been forgotten again, and later still R. Hiyya and his sons. The saying is attributed to R. Simeon ben Lakish, a Palestinian teacher of the third century. The rôle of Ezra as the restorer of the Law is, in a different form, the theme of 4 Esdras 14.

<sup>6</sup> Sanhedrin 21b, end.

<sup>7</sup> The "square" alphabet with which we are familiar in manuscripts and printed books.



alphabet which was retained by the Samaritans.<sup>8</sup> Ten ordinances (*taḥkanot*) of his are enumerated, some dealing with the service of the synagogue, others with domestic and personal matters.<sup>9</sup>

According to the Book of Ezra, the company of Jews who returned from Babylonia to the land of their fathers under the lead of Ezra arrived in Jerusalem in the seventh year of Artaxerxes.<sup>10</sup> The promulgation of the Law did not take place, however, until several years later, after Nehemiah had come, in the spring of the twentieth year of Artaxerxes, with a commission as prefect of Judaea,<sup>11</sup> and had restored the fortifications of Jerusalem.

The Artaxerxes of Ezra and Nehemiah has generally been identified with the first of the name, who reigned from 465 to 424,<sup>12</sup> on which assumption Ezra's advent in Jerusalem falls in the year 458 and Nehemiah's in 445. The reading of the law before the assembled people is generally supposed to have been held in the autumn of the same year, at the beginning of the seventh month (Tishri).<sup>13</sup> These are the dates adopted by the majority of historians. Some, however, put the events under Artaxerxes II, Mnemon (reigned 404–359), which would bring Ezra to Jerusalem in 397 and Nehemiah in 384. Others still think that Ezra came up in Nehemiah's second administration (after 432), or long after him, under Artaxerxes II.

The Jews, who had not the Canon of Ptolemy to operate with, were far out of the way in their chronology of the Persian period. The oldest rabbinical manual of chronology, the *Seder 'Olam*, allows for the dominion of the Medes and Persians but fifty-two years in all, and from the rebuilding of the temple to the

<sup>8</sup> Sanhedrin 21b–22a; Jer. Megillah 71b c. Cf. Origen, on Ezek. 9, 4; Jerome, Prologus Galeatus.

<sup>9</sup> Baba Ḳamma 82a. Megillah 31b adds another.

<sup>10</sup> Ezra 7, 8.

<sup>11</sup> Neh. 2, 1. We read that Nehemiah remained in Jerusalem for twelve years (5, 14), and after going up to court in the thirty-second year of the king returned to Judaea (13, 6 f.).

<sup>12</sup> The papyri from the Jewish colony in Elephantine give additional probability to this date.

<sup>13</sup> Neh. 7, 73b. The year is not named, and Kuenen more cautiously put the date between 444 and 433, probably at the beginning of this period.

overthrow of the Persian monarchy by Alexander only thirty-four.<sup>14</sup>

This compression of the history brought Ezra into the same generation with Zerubbabel and Joshua and the first company of exiles who returned to Judaea by permission of Cyrus<sup>15</sup> and re-established the cultus in Jerusalem. After an interruption of several years they resumed the building of the temple at the instance of the prophets Haggai and Zechariah, and dedicated it four years later.<sup>16</sup> With this generation Ezra is consistently associated in Jewish tradition. He was, it is said, a student of the law in Babylonia under Baruch son of Neriah.<sup>17</sup> This explains why he did not join Zerubbabel's company; he did not go up to Jerusalem till after the death of his master.<sup>18</sup>

Haggai, Zechariah, and Malachi are the last names in the prophetic succession. They (with nameless contemporary prophets) form the transition to a new order of things: "The prophets handed down the Law to the Men of the Great Synagogue."<sup>19</sup>

The idea of this "Great Synagogue,"<sup>20</sup> to which various institutions and regulations of fundamental importance in Judaism are attributed, in all probability originated in the assembly described in Neh. 9-10, in which the ecclesiastical and lay notables representing the people not only pledged themselves

<sup>14</sup> Seder 'Olam Rabbah c. 30 (ed. Ratner, f. 71a; cf. f. 69a and note 15); 'Abodah Zarah 8b-9a (R. Jose bar Halaftha, the special authority in chronology). Leaving the Medes ("Darius the Mede" in Daniel) out of the reckoning, our chronology (after Ptolemy) gives, from the first year of Cyrus as king of Babylon (538) to the end of Darius III (332), 206 years, and from the completion of the second temple (516) to the same terminus, 184 years.

<sup>15</sup> Ezra 1-3.

<sup>16</sup> Ezra 4-6; cf. Haggai; Zechariah 1-8.

<sup>17</sup> The disciple and amanuensis of Jeremiah, Jer. 36; 43.

<sup>18</sup> Megillah 16b, bottom. It is deduced from his example that the study of the Law takes precedence even of the building of the temple. Later legend has him accompany Zerubbabel and Joshua and begin with them the rebuilding of the temple (read בונים, cf. Ezra 5, 2). Pirke de-R. Eliezer c. 38, near the end. See also Seder 'Olam Zuṭa: Ezra went up with a second company and fortified Jerusalem and put the temple in order. And Zerubbabel returned to Babylon and died there.

<sup>19</sup> Abot 1, 1; cf. Abot de-R. Nathan 1.

<sup>20</sup> Keneset ha-Gedolah. A less ambiguous rendering would be 'Great Assembly,' or 'Convention.'



with an oath to "walk in God's law, which was given by Moses the servant of God, and to observe and do all the commandments of the Lord our God and his ordinances, and his statutes" (specifying particularly the interdiction of marriage with the "people of the land,"<sup>21</sup> and of trading with them on the sabbath),<sup>22</sup> but also imposed upon themselves certain obligations<sup>23</sup> for which no provision is found in the Pentateuch (e.g. the bringing of wood for the altar), or regulations for the mode of carrying out its prescriptions (e.g. the supervision of a priest over the levites in their collection of tithes). It is indeed obvious that if Ezra revived an ancient corpus of law which had in great part fallen into desuetude, it would require adaptation to actual conditions; and it was natural for the Jews of later times to think that this task was accomplished, with recognized authority, by the men who had the leading part in the civil and religious restoration.

The Great Assembly was accordingly imagined as a kind of council, which made ordinances and regulations as need arose.<sup>24</sup> The number of its members is sometimes given as one hundred and twenty, among whom prophets were well represented; Haggai, Zechariah, and Malachi are named. Ezra and Nehemiah were members, of course, as was Mordecai also.<sup>25</sup> The rabbinical chronology allows for the duration of this body only a single generation. Simeon the Righteous was one of its last survivors, and it is in harmony with this chronology that according to the Talmud he was the high priest who, arrayed in full pontificals, went out to meet Alexander the Great.<sup>26</sup>

It is evident that the Jews in the early centuries of our era had no other knowledge of Ezra and his times or of the Men of the Great Synagogue than what they gathered from the sources

<sup>21</sup> *'Ame ha-Ares.*

<sup>22</sup> Neh. 10, 31 f.; on the latter cf. Neh. 13, 15 ff.

<sup>23</sup> *Mišwot*, 'commandments.'

<sup>24</sup> "A fence about the Law," Abot 1, 1.

<sup>25</sup> A. Kuenen, *Over de Mannen der Groote Synagoge* (1876). See W. Bacher, 'Synagogue, the Great,' *Jewish Encyclopedia*, XI, 640 f.

<sup>26</sup> Yoma 69a. Josephus (*Antt.* xi. 8, 4 §§ 325 ff.) tells the story of Jaddua, the grandfather of Simeon the Righteous. Modern critics imagine that the Jews thought of the Great Synagogue as lasting two centuries or more — not the only difficulty they create for themselves by operating on Jewish tradition with Ptolemy's chronology.

we possess, combined in an artificial and erroneous chronological scheme. To these authorities they attributed various institutions and regulations the origin of which had for them the prescription of immemorial antiquity.<sup>27</sup> In fact, as we shall see, tradition in the proper sense begins only at a much later time. There was no question among the Jews that the "Book of the Law of Moses" which Ezra brought up with him was the Pentateuch, and so it was understood by the Church Fathers and by all Christian scholars down to recent times. The discovery that not only in the narratives but in the legislation sources of different character and age are combined, and the endeavor of critics to separate them and determine their respective age, led them to the conclusion that the Pentateuch as we have it is not from the hand or time of Moses.<sup>28</sup> The critics of the middle of the nineteenth century were almost unanimous, however, in the opinion that not only the several sources but the composite whole was older than the time of Ezra, whose law-book was for them also — possible glosses excepted — our Pentateuch. The source which begins with the first chapter of Genesis and includes the bulk of the legislation in Exodus, Leviticus, and Numbers (frequently called the "Grundschrift") was generally regarded as the oldest, Deuteronomy, the basis of Josiah's reforms in 622, as the latest, though the completion of the whole composite work was ascribed by some to the exiles in Babylonia. The contrary view, according to which the ritual and ceremonial law in its present formulation was a product, not of the pre-prophetic period of the religion of Israel, but of post-prophetic times, had been propounded by a few scholars in the fourth decade of the nineteenth century, notably by W. Vatke in his Hegelian theory of the development of the religion;<sup>29</sup> but the most influential

<sup>27</sup> There probably was in the Persian and early Macedonian period some authoritative body — a kind of Senate — with legislative and judicial functions, but that is not the "Great Synagogue" of our sources.

<sup>28</sup> This conclusion had been anticipated in the 17th century, and some critics of that period (Spinoza, van Dale) attributed the compilation of the whole Pentateuch, as Masius had already done in 1574, to Ezra.

<sup>29</sup> *Alttestamentliche Theologie*, 1835. J. F. L. George (*Die älteren jüdischen Feste*, 1835) reached a similar conclusion from the side of the evolution of the cultus.



critics rejected this inversion of their chronology with no less emphasis than the supporters of the Mosaic origin of the whole Pentateuch, and the episode was almost forgotten.

This theory was revived by Graf in 1866,<sup>30</sup> whose detailed exhibition of the cumulative evidence convinced Abraham Kuenen, professor of the Old Testament in Leiden, that what used to be called the Levitical law was the latest stratum in the Pentateuch, and — whatever it may embody of ancient custom — as a whole post-exilic. Graf had confined his argument to the legislation; Kuenen had no difficulty in proving that the narrative must go with the laws. Of much greater consequence was Kuenen's further step: The nucleus of this law and history was a product of the Jewish exiles in Babylonia, the work of priestly scribes whose aim was a thorough-going reform or reconstitution of worship and observance in the spirit of Ezekiel. It was this book, the so-called Priests' Code, which Ezra introduced in Judaea with the king's sanction and for which he obtained a solemn ratification in a national assembly as related in Neh. 8-10. Subsequently the older historical and legal literature was woven into the Priests' Code by an editor in such a way as to give a semblance of unity and continuity to the whole, and Deuteronomy was appended. Thus was formed the composite work which we call the Pentateuch.

In the priestly stratum of the law itself Kuenen recognized, besides the Priests' Code in the narrower sense (Ezra's law-book), a relatively older deposit, the so-called Law of Holiness (Lev. 17-26), whose affinity to Ezekiel even led to the passing surmise that he had had a hand in the production of it, and large modifications and amplifications of the original Code.<sup>31</sup> In the subsequent analysis these Palestinian accretions were considerably enlarged, with a corresponding subtraction from the contents of the supposed Babylonian nucleus.

Julius Wellhausen, who contributed more than any other to

<sup>30</sup> Die geschichtlichen Bücher des Alten Testaments. — Graf had been a pupil of Eduard Reuss in Strassburg, from whom he received the germs of the thesis as Reuss had propounded it as early as 1834.

<sup>31</sup> These layers are designated by numbers (P<sup>1</sup>, P<sup>2</sup>, P<sup>3</sup>, etc.) or by symbols (P<sup>h</sup>, P<sup>g</sup>, P<sup>s</sup>, etc.).

the development of this hypothesis and its success in Germany, modified it in one very important point: the Priests' Code — about the origin of which he was in complete agreement with Kuenen — had already been combined with the older historical and legal literature in Babylonia, so that, apart from later additions, the "Book of the Law of Moses" which Ezra introduced was substantially our Pentateuch. Others conjectured that Ezra himself, in the interval between his arrival in 458 and the introduction of the law more than a dozen years later, united the book he had brought up from Babylonia with the volume comprising the older history and laws which he found in possession in Judaea.<sup>32</sup>

The new theory found a popular expositor in Great Britain in William Robertson Smith, and spread thus to English-speaking countries. After a generation of fervid controversy, not only with the defenders of the Mosaic authorship of the whole Pentateuch but with the adherents of the Ewaldian school of criticism, it became the prevalent doctrine. In recent years it has been impugned from more than one side, but in the meantime a new generation had been brought up in it as a critical orthodoxy, with an orthodox disinclination to re-open questions that have been settled by the "authorities." On the other hand, the opponents of the doctrine have occupied themselves chiefly in skirmishing about points of no strategic importance without discovering the real weakness of the main position, so that they have themselves in no small part to blame for the general impression that their (chiefly amateurish) demonstrations are negligible.

Nehemiah 8-10 is thus the basis not only of the Jewish idea of the Great Synagogue but of modern critical theories about the origin and introduction of the Priests' Code. Kuenen saw in these chapters a counterpart to 2 Kings 22 f., the discovery and ratification of Deuteronomy, and conceived the result as scarcely less revolutionary. The nature of the change is put by him in pointed antitheses: There (i.e. before Ezra) the spirit ruled, here (after him) the letter; there the free word, here the Scripture. The representative figure of the preceding

<sup>32</sup> JE+D, to use the current symbols.



period was the prophet; of the following the scribe. The reform was anti-prophetic and anti-universalistic; inevitably the law extinguished prophecy, and it fastened exclusiveness on the religion for all time to come.<sup>33</sup>

What is of prime moment in Kuenen's construction is not that the Levitical law as it is embodied in the Pentateuch is post-exilic, nor even that, as earlier for Vatke, the elaborated ritual and ceremonial belongs to the last stage in the evolution of the religion, but that the creation and introduction in the middle of the fifth century of a definite body of such laws, the Priests' Code, produced in Babylonia with a reforming purpose, made a radical change in the whole character of the Jewish religion, or, to put it in his way, was the origin of Judaism, which in his notion of it was a religion of an essentially different kind from the pre-exilic religion of Israel which it succeeded, or rather superseded.

As has already been indicated, Kuenen's hypothesis was primarily meant to explain how the Levitical law came to be created in Babylonia, and how it obtained acceptance in Judaea. That it radically transformed the character of religion not only in Palestine but eventually among the Jews everywhere is not essentially involved in the critical hypothesis nor an obvious corollary to it. The fundamental historical question whether such a transformation as he described actually occurred is patently begged.

The critics, who in that generation prosecuted the analysis of the Pentateuch with extraordinary assiduity, assumed, for a chronology of the literature, that the stratification of the sources corresponded to successive stages in the development of the religion. Accordingly, when they became convinced that the great body of Levitical law belonged to the post-exilic literature they regarded it as a characteristic product of the religion of that age. They compared this legislation, which, isolated in this way, seemed to make ritual and observance the thing of prime importance in religion, with the great prophets of the eighth and seventh centuries, and could only see in it a lamentable, and even a reprehensible, falling away, as Kuenen does

<sup>33</sup> See *De Godsdienst van Israël*, II (1870), 121-152; 198-201.

in the antitheses quoted above. Their depreciatory estimate of Judaism was thus drawn immediately from the contents of the Priests' Code itself. But when they spoke of the introduction of the Priests' Code as the origin of Judaism, it was the Judaism of the Scribes and Pharisees, of the Rabbis and the Talmuds, they were thinking of. "Legalism," which was for them synonymous with Judaism, was ultimately the work of Ezra and his ill-omened law-book.<sup>33a</sup>

Following writers represented the difference in other ways. Emphasis was sometimes laid on the freedom and the festive spirit of the religion of ancient Israel, of which romantic pictures were drawn, in contrast to the minute regulation of ritual and observance in Judaism, with its depressing emphasis on sin and multiplied rites of expiation. But however the difference was defined, the same assumptions were always made: Judaism was radically unlike the older religion and greatly inferior to it, and the cause of the change was, in one word, the Law.

The insecurity of the foundation on which the critical edifice rests is evident. Nehemiah 8-10, which is obviously misplaced where it stands, is from the hand of the author of Chronicles-Ezra-Nehemiah.<sup>34</sup> The opinion, often expressed with the assurance of established fact, that he derived this account of the introduction and ratification of the Law from the authentic Memoirs of Ezra assumes the historical character of the narrative and employs the conjectural source to support the assumption. Kuenen himself, in the first edition of his Introduction (1861),<sup>35</sup> had given reasons for questioning the properly historical character of the chapters which were no less valid in 1870 when he made them the corner stone of his construction.<sup>36</sup> The most complete development of Kuenen's theory is Eduard

<sup>33a</sup> Kuenen's position is intelligible and on his premises reasonable. So much cannot be said of A. B. Davidson's pronouncement, "Pharisaism and Deuteronomy came into the world the same day" (Dictionary of the Bible, II, 577).

<sup>34</sup> Originally one book, written about 300 B.C.

<sup>35</sup> Historisch-kritisch Onderzoek, I, 347; cf. 350-352.

<sup>36</sup> Compare Onderzoek, 2 ed., I (1885), 215-219; (1887) 509-511.



Meyer's *Die Entstehung des Judentums* (1896),<sup>37</sup> in which the author stoutly maintains the authenticity of the documents in the Book of Ezra which previous critics (including Kuenen) had almost unanimously surrendered, and the historical character of the introduction of the Law in Nehemiah 8.<sup>38</sup> On the ground of Ezra 7 he emphasizes the part the king took in the reorganization of religion in Judaea. The origin of Judaism was the work of priests and scribes in Babylonia; its establishment was an act of Persian state policy.

C. C. Torrey regards the story of Ezra and his law book as from beginning to end an invention of the Chronicler, whose aim was to give the Babylonian Jews the whole credit for the re-establishment of Judaism in Palestine.<sup>39</sup>

For the period with which the present investigation is concerned, the questions of date and circumstance on which the controversy has chiefly turned are of less importance than critics attach to them.<sup>40</sup> Of much more consequence, as has already been remarked, is the assumption that Ezra's law-book, whatever it was and whenever it was introduced, made a complete and permanent change in the character of Judaism.

Before proceeding to the discussion of this point, a critical principle must be stated, which, notwithstanding its obviousness, is frequently ignored. Whatever the age of the compilation of the Levitical law — if it ever had an independent existence — or of the composition of the Priests' Code supposed to be the nucleus of it — if there be such a thing in the Penta-

<sup>37</sup> Cf. *Ursprung und Anfänge des Christentums*, II, 1.

<sup>38</sup> From Ezra's Memoirs through an intermediate source.

<sup>39</sup> *The Composition and Historical Value of Ezra and Nehemiah*, Giessen, 1896; *Ezra Studies*, Chicago, 1910. Torrey's theory has been summarily dismissed by serial commentators and compilers of historical handbooks; the searching critical work on which it is based has been generally ignored. — It was early observed that Jesus son of Sirach in his eulogy of the leaders of the restoration (*Ecclus.* 49, 11-13) includes Nehemiah but does not name Ezra at all. It is true that he recites the merits of these worthies only in the rebuilding of the temple and of the city with its fortifications, and it does not follow that he was not acquainted with the Chronicler's story of Ezra. But it may fairly be inferred from his complete silence that the restoration by Ezra of the Law, which the kings of Judah to the very last had abandoned (49, 4), had for him no such epoch-making significance as it had for the later Jews or the modern critics.

<sup>40</sup> The Jews in these centuries attributed to Ezra the restoration of the Law; to Moses its origin.

teuch — or the age and origin of the History of the Sacred Institutions into which the properly legislative matter is thrust,<sup>41</sup> two questions remain; first, at what time the particular laws or groups of laws embodied in it were severally formulated; and, behind that, the age of the institution or custom itself. A rule or a rite which has been transmitted to us only in a post-exilic compilation may have been formulated in the days of the kingdom, and may represent prescriptive usage centuries older than the existing formulation. No inference from the late date of the source in which it first occurs to the age of the law or the custom is valid of itself. This is particularly the case with laws having to do with the priesthood and the ritual. It would not be strange if many things that had been tradition and practice in the temple in Jerusalem were first written down after the destruction of the temple, for preservation against the expected restoration, as the daily ritual of the Herodian temple is recorded in the Mishnah Tamid or that of the Day of Atonement in Yoma.

Another preliminary observation may be made. In the latter part of the nineteenth century the study of the history of religions had received a fresh impulse both from anthropology, with its researches in the customs of so-called primitive peoples, and from philology, especially through the recovery of the religious literature of India; but what called itself the "Comparative Science of Religions" was still in its beginnings, and lay remote from the learning of Biblical scholars.<sup>42</sup> The Old Testament continued to be studied in theological isolation.

The Levitical law is chiefly concerned with things that are of prime importance in every ancient religion, the rites, public and domestic, by which the deity is propitiated, and the interdictions of manifold kinds which anthropologists call "taboos," with the piacula by which the consequences of violations of them may be nullified. The latter are in origin probably older than the worship of anything we should call gods. At the beginning of historic times their origin and primitive intention

<sup>41</sup> See *Encyclopaedia Biblica*, II, col. 2081.

<sup>42</sup> When the anthropological material was utilized, for example by Stade, it was to illustrate similar phenomena in the early religion of Israel.



were lost in obscure antiquity, but they were perpetuated as an essential part of religious observance. The disastrous consequences that once followed automatically on the violation of such interdictions or contact with interdicted objects were in the animistic stage attributed to demonic agencies, and later ascribed to the wrath of offended gods who prohibit these things to men under two categories, the sacred and the abhorred or in biblical phrase, holy and unclean. Correspondingly, the remedies for the violation of a taboo, in primitive conception efficacious of themselves, or as we say magically, become expiations prescribed by the gods. Flagrant and wilful transgressions were, however, inexpiable. In the ominous words of the Hebrew law, "That person will be cut off from his people" (by the act of God).

It was of vital concern for the individual and for the community, which might be involved in the consequences of his misdeed, to know all the multitudinous interdictions with which man's whole life was hedged and what the specific remedies were, and these things constitute one of the oldest and most important parts of primitive tradition.

A similar observation may be made about rites of worship. However simple they may be, their efficaciousness is universally believed to depend on exactness in the performance and in the accompanying form of words. The old Roman religion is a typical example of the scrupulousness with which antique rites and formulas were perpetuated in an age when the utmost industry of antiquarians could neither discover nor divine their origin, reason, or meaning.

In time, the priests, in whose hands lay the conservation of the tradition, the discrimination of cases, and the oversight of the rites of expiation, may have formulated them, as well as the ritual of worship, in detail, and for their own convenience have reduced them to writing; but this made no further change in either the observance or the conception. No one has ever imagined that the compilation of Hindu usage, say in the Grihya Sutras, or the law books of Apastamba and Gautama, or in the so-called "Code of Manu" revolutionized the religion of India, much less that they inaugurated an epoch of "legal-

ism." Nothing can in fact surpass the meticulousness of savages in such matters.

A tendency toward what nowadays is called "enrichment" is inherent in all ritual, especially where the cultus is in the hands of a caste or a hereditary corporation of priests. This tendency doubtless found large opportunity in the temple in Jerusalem and the royal temples of the kingdom of Israel. The prophets of the eighth century depict the lavish and pompous cultus in these temples,<sup>43</sup> and testify to the exorbitant value their contemporaries set upon it and the satisfaction they took in it. Compared with what it was in the days of the power and glory of the kingdoms, the worship in Jerusalem in the restoration must have been as poor a thing as the new temple itself appeared in the eyes of those who had seen the splendor of the former house.

Nor is there any reason to imagine that its character was otherwise changed. There is nothing to show that the Jews of that period attached greater importance to ritual observance than their forefathers, though a new motive was now added. Fidelity to all the institutions of their national religion as ordained by God was now the condition of the fulfilment of all their hopes of a better future. It was in this conviction that they had rebuilt the temple under the inspiration of the prophets Haggai and Zechariah, and, though their immediate expectations were disappointed, the belief was permanently impressed on Judaism. Conformity to the revealed will of God was the express condition of God's covenant promises. To this extent it is probably true that the attitude of intelligent and religious Jews in the days of the Second Temple differed from that of the same classes under the kingdom.

Other and far more important differences will demand our attention further on. Here, I wish to emphasize the point that the Levitical law or the supposed Priests' Code contains the most primitive elements of the religion of Israel, elements which carry in themselves the evidence of prehistoric antiquity, and that the motives of observance are as primitive as they are permanent.

<sup>43</sup> See e.g. Isa. 1, 10 ff.



One typical instance must suffice for illustration. As has been already remarked, the freedom and festive spirit of the religion of ancient Israel is put in contrast to the sombreness of Judaism with its dominant consciousness of sin. Evidence of this characteristic sense of sin was found, among other things, in the prescriptions for "sin-offerings" in the Priests' Code, where they first appear in the legislation.<sup>44</sup> An examination of the cases in which a sin-offering (*ḥaṭṭat*) is made, makes it clear, however, that we have to do, not with a sacrifice in expiation of *sin*, but with primitive rites by which persons or things that had contracted "uncleanness," or "sin" materially conceived, which might be communicated to others, were physically disinfected, and thus released from the "taboo" under which they lay. It is in this sense that a new altar, before the first sacrifices are made on it, has to be "un-sinned."<sup>45</sup> A woman, when the period of seclusion after child-birth during which she is forbidden to touch any "holy" thing or to enter the sacred precincts is completed, has to bring a sin-offering, and is thus restored to religious tolerability.<sup>46</sup> A leper who has been pronounced well of the disease must bring a sin-offering.<sup>47</sup> A priest, who has been in mourning for a near relative must bring a sin-offering before he may resume his service in the temple.<sup>48</sup> A Nazirite who has been accidentally rendered "unclean" by the sudden death of a man near him must bring a sin-offering and begin the period of his vow over again.<sup>49</sup>

These things are elaborated in what are now generally regarded as later strata of the Levitical law, but that the rites themselves or the ideas they embody originated in that stage of the religious development is the height of improbability; they are, on the contrary, survivals of its remotest past. To associate them with a deepened sense of sin is to be deceived by a conventional translation. The Hebrew word חטא, חטאת, has a much wider extension than our word "sin," which in modern

<sup>44</sup> Ezekiel prescribes them as a well-known species (43, 18 ff.; 44, 27 ff.; 46, 20); cf. 2 Chron. 29, 20 ff.; Ezra 8, 35; Psalm 40, 7.

<sup>45</sup> Ezek. 43, 20; cf. 45, 18-20; Lev. 16, 16, etc.

<sup>46</sup> Lev. 12, 1-8. See also Lev. 15, 14 f., 29 f.

<sup>47</sup> Lev. 14, 31.

<sup>48</sup> Ezek. 44, 27.

<sup>49</sup> Num. 6, 8 ff.

languages invariably has a moral as well as a religious connotation.

There is abundant evidence of the large place such things had in the older religion of Israel. The differential diagnosis of the various skin diseases comprehended under the generic name *šara'at* ('leprosy') is defined for the guidance of priests in Lev. 13, and the ritual of purification in the following chapter; but Deut. 24, 8 f. refers the Israelite who is suffering from any of them to the priest for his decision on the nature of the ailment and what is to be done about it. In fact it was with questions of clean and unclean, and of the necessary expiations, or purifications, that the Torah of the priests had principally to do.<sup>50</sup>

The primitive category of interdicted kinds of food and of unclean vermin is represented in substantially the same way in Deut. 14 and Lev. 11. Tables of prohibited degrees are appropriately found in the Levitical law (Lev. 18 and 20), but more complicated and from our point of view artificial catalogues of incestuous connections exist in very primitive societies, particularly in connection with what is called totemistic clan organization, and the tables in Leviticus in no way suggest a late date or a reforming motive.

In the Books of Ezra and Nehemiah those worthies are greatly incensed against the Jews who had intermarried with the native population and neighbor peoples, and insist that these foreign wives should be dismissed.<sup>51</sup> One of the articles of the covenant in Neh. 10, 30 is an agreement neither to give their daughters in marriage to the "peoples of the land" nor to take wives for their sons from among them. Existing conditions may well have given sufficient reason to emphasize and enforce the prohibition of the connubium with the heathen inhabitants of the land, but the prohibition is itself no innovation of the Priests' Code prompted by a new ideal of exclusiveness; it is enounced in earlier laws, Exod. 34, 12-16 and Deut. 7, 3 f.<sup>52</sup> Apart from the religious motive given to the prohibition,

<sup>50</sup> Inquiries and responses such as Haggai 2, 10-13 are typical of this Torah before the exile as well as after. They go over into the Mishnah and the Talmud.

<sup>51</sup> Ezra 9 f.; Neh. 13, 23 ff.

<sup>52</sup> Cf. Josh. 23, 12 f., etc.



there is nothing peculiar about the law against intermarriage with aliens, as a comparison of other ancient legislations shows. Of a new ideal of exclusiveness there is no evidence.

I have dwelt upon these points at what may seem disproportionate length because I wish to emphasize the fact that, whatever critics may opine about the literary history of the Levitical law, it did not create a new kind of religion. Judaism is a normal development of the old religion of Israel in new circumstances and adapted to new conditions.

Interest has been so centred on the controverted question of the origin and introduction of the Priests' Code that inadequate attention has been given to the fact that the Jews in Judaea as well as in Babylonia inherited all that we have of the older history and legislation, including Deuteronomy.

In the Book of Deuteronomy prophetic doctrines and ideals are combined with ancient law and custom. In the forefront of its legislative part (Deut. 12-26) stands, in more than one formulation, the prohibition of sacrifice outside the temple in Jerusalem on which Josiah's reform (2 Kings 22-23) was based, and the consequent changes in the observance of the festivals are regulated. But much of its contents is of greater antiquity, taken perhaps from earlier law books. The specific legislation is preceded by an exposition of the fundamental principles of the religion of Israel in the spirit of the prophets, and in some passages, regarded by most critics as later than the fall of the Judaeian kingdom, the doctrine of monotheism is carried to its ultimate conclusion as we find it in Isa. 40 ff. The Jewish community in Judaea had the prophets also. Zechariah takes up the note of seventh-century prophecy in the call to repentance with which his book begins, and emphasizes it with the lessons of history (Zech. 1, 1-6) in a way that recalls Deut. 28 and Lev. 26.

The salient mark of the following centuries was not the elaboration of the Levitical law, however much of this there was, but the appropriation and assimilation of the religious and moral teachings of the prophets, and of the embodiment of these teachings in the form of law in the Book of Deuteronomy and the so-called Law of Holiness (Lev. 17-26). The religious

progress that was made in this direction is evident in the literature of the period. The Psalms, so many of which are assigned by the critics to this age, the Book of Job, the Proverbs, are conclusive proof that Judaism was not turned by the Law into a barren ritualism and legalism. This becomes still clearer when we take into consideration the Palestinian literature outside the limits of the Old Testament canon. The irrefutable demonstration, however, is furnished by the Tannaite Midrash of the second century after the Christian era, and by the influence of the religious and moral teaching of the Pentateuch on the juristic norms (Halakah) defined in the Mishnah and kindred works.

In a religion which had inherited, as Judaism did, sacred scriptures of various kinds which were all believed to embody divine revelation (Torah), in which God made known his own character and his will for the whole conduct of life, there is no incompatibility between the most minute attention to rites and observances, or to the rules of civil and criminal law, and the cultivation of the worthiest conceptions of God and the highest principles of morality, not only in the same age, but, as we see in the literature of the schools and the synagogue, by the same men. On the contrary, the seriously religious man could not be indifferent to any part of the revealed law of God. Individuals might be drawn by temperament, or by the interest of a class like the priesthood, more strongly to one field or another; but there could be no conflict between them. Upon the critical view itself the elaboration of the Levitical law in Judaea and its adaptation to changing social and economic conditions went on in the same centuries which produced psalms that became the classics of devotional literature not only for Jews but for Christians. The same Rabbis who extended the law of tithing to garden herbs paraphrased the principle, Thou shalt love thy neighbor as thyself, "Let thy neighbor's property be as dear to thee as thine own, and thy neighbor's honor as thine own," and developed the prohibition of interest ('usury') into laws of bargain and sale and definitions of unfair competition which to modern ideas of business seem utopian. They made love to God the one supremely worthy motive of

obedience to His law; and found in Exodus 34, 6 f. not only the character of God revealed — “God merciful and gracious, long-suffering, and abundant in loving-kindness and truth; keeping mercy unto the thousandth generation, forgiving iniquity and transgression and sin” — but in the imitation of these traits the ideal of human character.

Kuenen's initial misconception of Judaism is partly explained by the fact that Graf's argument for the late date of the Levitical law was based largely on Chronicles. That the Chronicler had an excessive interest in things that the Levitical law chiefly deals with is everywhere evident in his work. But whatever may be thought of the soundness of Graf's critical procedure, it is one thing to use the Book of Chronicles as a datum for the age of another writing, and a wholly different thing to take the Chronicler as the sole and sufficient representative of the religion of his age.

For the persistence of the error there were other reasons. One was the organization of theological faculties which made the Old Testament a field by itself and the New Testament another, leaving the so-called Apocrypha in a no-man's land between them. Old Testament Theology limited itself to the Jewish canon; hand-books on Old Testament Introduction sometimes dealt with the Apocrypha in an appendix. They found a place, along with the Pseudepigrapha, in the amorphous discipline once called “*Neutestamentliche Zeitgeschichte*” among the prolegomena to the New Testament. Pharisaism was left to commentaries on the Gospels or works on the Life of Christ. The Judaism of the second century was outside the bounds of Christian biblical science altogether. The political history of the Jews, especially from Alexander to Hadrian, received much attention, and excellent work was done upon it; but the internal history of the religion was nowhere treated as a whole by Christian scholars, and Jewish work in this field has been little regarded. The enthusiastic study of the apocalyptic literature has not only done nothing to dispel inveterate misunderstandings of Judaism, but has added to them new ones of its own.



The motto attributed to the Men of the Great Synagogue expresses the Jewish conception of the functions of such a body: "Be deliberate in giving judgment, and rear up numerous disciples, and make a fence for the Law." They are judges in civil and criminal causes; they are teachers transmitting their learning and training another generation of scholars; and, by the regulations with which they surround the law, they are within a circumscribed sphere legislators. They not only interpret the law authoritatively — a most pregnant mode of law-giving, especially where it is not acknowledged as such — but they guard against the inadvertent or accidental infringement of the divine statute by hedging it about with prohibitions and ordinances designed to keep a man from getting into dangerous proximity to the statute itself.<sup>53</sup> The distinction between the enactments of the scribes and the biblical law is sharply observed in the juristic literature; but transgression or neglect of the former was not a venial offense. On the contrary, "a more serious matter is made of the words of the scribes than of the words of the (written) Law."<sup>54</sup> The maxim of Simeon the Righteous was: "The world is based on three things, On the Torah, on worship, and on works of charity."<sup>55</sup> His successor in the chain of tradition is Antigonus of Socho, whose word was: "Be not like slaves who serve their master with the expectation of receiving a gratuity; but be like slaves who serve their master without expectation of receiving a gratuity; and let the fear of Heaven<sup>56</sup> be on you."

With the authenticity of these utterances we are not here concerned; what is beyond question is that they are set down at the beginning of the Sentences of the Fathers as recognized fundamentals of Judaism, and if any one should choose to rename the collection "Maxims of the Pharisees," the significance of the sayings would not be diminished.

<sup>53</sup> Authority for this was found in Lev. 18, 30, interpreted: "Ye shall make an injunction additional to my injunction" (Sifra, Aḥarè, end).

<sup>54</sup> See a collection of utterances to the same effect, Jer. Berakot 3b. This is quite logical; for the obligation of the Law was universally acknowledged, while rabbinical enactments might be disputed.

<sup>55</sup> We may paraphrase, Knowledge of divine revelation, worship of God, and loving kindness to men.

<sup>56</sup> Reverence for God.

Simeon the Righteous is probably the high priest Simeon son of Johanan (Onias), the contemporary of Jesus son of Sirach <sup>57</sup> (ca. 200 B.C.), with an extended and eloquent eulogy of whom (50, 1-24) that author concludes his Praise of the Forefathers (41, 1-50, 24).

After Antigonus of Socho the tradition was carried on by a pair of colleagues <sup>58</sup> in each successive generation, beginning with Jose ben Jo'ezer of Şeredah and Jose ben Johanan of Jerusalem, and ending with Shammai and Hillel. The first pair fall in the days of Antiochus Epiphanes (175-164 B.C.).<sup>59</sup> Between them and the last, in the time of Herod, three pairs have to fill a space of more than a century and a quarter. What is historically established is that Shemaiah and Abtalion (Pollio, in Josephus) were the most highly reputed teachers of the Law and heads of the Pharisees in the earlier part of Herod's reign; and that Simeon ben Shaṭaḥ occupied a corresponding position in the time of Alexander Jannaeus and of Queen Alexandra.

Most of the members of these pairs are little more than names; besides the maxims ascribed to them there is hardly anything to tell about them. It is evident that the Tannaim had nothing like a historical tradition of the labors of their predecessors. Institutions and regulations the origin of which was lost in the past were attributed to Ezra, or the prophets of his time, or the Men of the Great Synagogue; or, more vaguely to the Scribes <sup>60</sup> or the Early Elders.<sup>61</sup> The first authorities to whom decrees (*gezerot*) are ascribed by name are Jose ben Jo'ezer and his colleague Jose ben Johanan, who, perhaps to check emigration from Judaea in the distressful days of Antiochus IV, pronounced all foreign lands unclean, and also that glass vessels, probably an article of import, are unclean.<sup>62</sup>

<sup>57</sup> Sirach 51, 24 (Hebrew).

<sup>58</sup> Abot 1, 4.

<sup>59</sup> A midrashic legend makes Jose ben Jo'ezer one of the company of scholars who paid with their lives for their confidence in the high priest Alcimus (162/161 B.C. 1 Macc. 7, 16). Gen. R. 65, 22; Midrash Tehillim on Psalm 11, 7.

<sup>60</sup> *Soferim*, biblical scholars.

<sup>61</sup> *Zekenimha-rishonim*.

<sup>62</sup> Shabbat 14b. Other decisions of Jose ben Jo'ezer on questions of clean and unclean are found in 'Eduyot 8, 4; cf. Sifra, Shemini Perak 9, end (ed. Weiss f. 55b).

It is perhaps an evidence of scanty information as well as of an idealizing disposition that it was believed that previous to this pair the authorities had always been in complete accord; the two Jose's differed on a single point in the ritual of private sacrifice on holy days,<sup>63</sup> and down to Shammai and Hillel this was the sole controversy.<sup>64</sup> Shammai and Hillel raised the number of contentions to four, but, "When their disciples increased in numbers and did not attend their masters as diligently as they ought, the divisions of opinion multiplied in Israel. They formed two parties, the one declaring unclean what the other declared clean; and things will not return to their former state (of unanimity) till the Son of David comes."<sup>65</sup> From our point of view, the actual tradition of the disputes of the schools begins in the generation before the Christian era. The differences of the "houses" of Shammai and Hillel are in the foreground from that time to the destruction of Jerusalem in the year 70.

Simeon ben Shataḥ, the restorer of the Law in the reign of Queen Alexandra,<sup>66</sup> is the first in the series of pairs who stands out with a certain distinctness of character. He was the author of several ordinances (*takkanot*), the most important of which has to do with the marriage contract (*Ketubah*). In the sphere of criminal law he held strictly to the principle that the testimony of two eye-witnesses is necessary — the most conclusive circumstantial evidence by itself is not sufficient,<sup>67</sup> and ruled that the retraction of their testimony by the witnesses after sentence has been pronounced is not received.<sup>68</sup>

The notion we should get of the history of normative Judaism in these centuries from the meagre notices which professedly exhibit the succession of authoritative exponents of tradition would be widely different from the reality. Fortunately other sources are not lacking.

In the making of that history the priests had their own part. The definition and administration of the Levitical law was in

<sup>63</sup> The *לש סמיכה*, Temurah 16a, top; cf. 15b.

<sup>64</sup> Jer. Hagigah 77d; Tos. Hagigah 2, 8.

<sup>65</sup> Jer. Hagigah l.c.

<sup>66</sup> Kiddushin 66a, below.

<sup>67</sup> Sanhedrin 37b.

<sup>68</sup> Jer. Sanhedrin 23b.



their hands, with all the greater authority since the high priest was the civil as well as the ecclesiastical head of the community. Various practical modifications of the laws to adapt them to conditions in Judaea in the Persian times are recognized by critics. The permissive substitution of a pair of doves or pigeons for a lamb in various species of obligatory offerings, which is a manifest appendix to the older rule, is a concession to poverty, but it seems also to contemplate an urban population who had to purchase the prescribed victims. Changes in the provisions for the support of the priesthood and other ministers of worship perhaps imply that their numbers were out of proportion to the agricultural population from which tithes and first fruits could be collected, while the public sacrifices which under the kingdom had been provided by the king had now to be maintained by a poll-tax.

Besides the natural development of the law by adaptation to changed circumstances, there are additions of a different kind, such as the elaborate scheme of cumulative sacrifices on the festivals in Num. 28 f., which should perhaps be regarded as originally a priestly ideal, or programme, rather than an actual institution.

Elaboration of the ritual, the details of which were transmitted and acquired in practice, would under ordinary circumstances less frequently leave a record in written prescriptions, yet even here there are examples of composite rites which suggest such an origin.<sup>69</sup> The growth of the law is still clearer in the priestly Torah on the subject of uncleanness and purifications, or expiations, much of which applies particularly to the ministry of the temple or the entrance of laymen into the sacred precincts.

About specific points there is room for large difference of opinion, but that there was a considerable expansion of certain parts of the Levitical law in Judaea after the restoration, and that it was written into the law-book of the priests or in what we might call loose leaf supplements to it, is as evident as such things can be.

In the sphere of civil and criminal law there are no compara-

<sup>69</sup> E.g. Lev. 14; Lev. 16.

ble indications of revision or extension. The meagre fragments of a code of the kingdom in Exod. 21-23, pieced out in some of the surviving titles with similar provisions in different formulation, and the bits of older legislation incorporated in Deuteronomy, were left, so far as we can see, substantially as they had been rescued across the catastrophe of the state. The administration of justice in everyday cases was in the hands of the Elders of the town or village,<sup>70</sup> or of local judges deriving their authority from them, in accordance with custom and precedent — a consuetudinary law older than the remains of the written law, and underlying it. Like all such common law it adapted itself to new situations by judicial interpretation and application without the aid of legislation.

Deuteronomy 17, 8-13 provides for a reference *in thesi* to Jerusalem of cases too hard for local adjudication. The question of law is to be decided by the priests and "the judge that shall be in those days," and the local judges are bound to accept and enforce their decision.<sup>71</sup> It is natural to suppose that a similar relation existed between the local courts and the capital in the Persian period, and that the definition of the law in the case submitted was given by the legal experts of the priesthood, under the presidency of the high-priest-prince.

A new element was introduced in this age by the rise of a class of what we may properly call professional students and teachers of the Law. The oldest name was *soferim*, "Scribes," more descriptively, biblical scholars. The existence of such a class supposes the idea of divine revelation contained in sacred scriptures, in which God's will for the whole conduct of life is laid down as a law for men. The fall of Judah was foretold by the prophets, and after the event was interpreted in their spirit as the consequence of the refusal of the nation to obey the law of its God. The misfortunes of the present were explained by the neglect of this lesson by their children. All hope of a better future lay in the conformity of the people as a whole to the will of God. The indispensable condition of doing

<sup>70</sup> The heads of the families or family groups that made up the community.

<sup>71</sup> This probably belongs to the plan of Deuteronomic reforms; cf. the account of Jehoshaphat's judicial institutions, 2 Chron. 19, 5-11.

the will of God was knowing his will as he had revealed it. The strongest practical motive was thus given to the study of the Law.

This was not, however, the sole motive. The Scriptures were a precious inheritance from past ages, a national literature to be treasured for its historic associations and its intrinsic worth. In it the Jew read of God's love for the forefathers and the great things he had done for his people in the days of old, and drew from them the assurance of his love for their descendants and his greater purpose for them. And, finally, it invited men and inspired them to reverent and devout study by the fact that in the words of the Law God spoke immediately and personally to them, in the phrase of a later rabbi, as though they stood at the foot of Sinai.

Many of the *soferim*, like Ezra, were doubtless priests. Jose ben Jo'ezer in a later generation is called "the most pious man in the priesthood;" <sup>72</sup> and among the rabbis of the Tannaite period some of the most eminent, like Ishmael ben Elisha, were priests. But the study of the Law drew to itself in increasing numbers laymen of every social rank, and later times liked to think that some who had achieved the highest distinction in it were converts to Judaism or children of proselytes.

The multiplication of scholars, that is of men learned in the divinely revealed religion, was a Jewish ideal. The motto of the Men of the Great Synagogue has already been quoted: "Make numerous disciples." To Jose ben Jo'ezer is ascribed the exhortation: "Let thy house be a place for the meeting of the learned, and sit in the dust at their feet, and thirstily drink in their words." Joshua ben Peraḥiah bids the student, "Choose thyself a master, and get to thyself a comrade (in studies), and judge every man in the most favorable light."

Others of these mottos bear on the conduct of the learned as judges. So the Men of the Great Synagogue, "Be deliberate in rendering your decision," and especially Judah ben Ṭabai and Simeon ben Shaṭaḥ. Later times naturally thought of the scholars of those generations in the likeness of the rabbis and rabbinical councils of their own day; but however highly re-

<sup>72</sup> שבכהונה חסיד, M. Hagigah 2, 7.



garded they may have been as juriconsults, it is certain that the actual administration of justice did not pass from the hands of the ordinary instances to what may be called rabbinical courts until after the fall of Jerusalem in 70 A.D., and it is not probable that scholars formed a considerable — not to say a controlling — factor in the high court (Sanhedrin) before the time of Queen Alexandra.<sup>73</sup>

The most notable monument of the work of the Soferim in the field of religion and morals is the Wisdom of Jesus son of Sirach (ben Sira),<sup>74</sup> written not far from the year 200 before the Christian era. The literary form of the book is that of the canonical Proverbs, to which its contents also have a close affinity, and the deservedly high repute in which the author has always been held for his moral teaching and his sage counsels on the conduct of life, as well as his talent for pregnant and memorable aphorisms, have somewhat overshadowed greater claims to the attention of the historian.

Sirach — to use for convenience this current abridgment of his name — is often represented as a typical specimen of a class of Jewish sophists<sup>75</sup> who made it their calling to instruct young men, chiefly no doubt of the well-to-do classes, in the best way to get on in the world they lived in. They did not share with the priests the ecclesiastical interest in rites and observances; as sensible and practical men, the enthusiasm of the prophets or the visionaries who succeeded them was wholly foreign to their temper; their moral teaching was naïvely eudaemonistic, and not seldom banal; even religion sometimes seems to be thought of primarily as a condition of success in the providential scheme of things. It is taken for granted that such broad-minded men would have little sympathy with those who devoted themselves to the minute definition of the biblical laws or to planting a thickset hedge of cautionary ordinances around them.

<sup>73</sup> The theory that there were from an early time two such bodies in Jerusalem, a civil senate, or Sanhedrin, presided over by the high priest, and a rabbinical Sanhedrin with its own president (*nasi*) and vice president (*ab bet-din*), is propounded as a way of reconciling conflicting representations in the sources.

<sup>74</sup> In the English Bible, following the usage of the ancient church, Ecclesiasticus.

<sup>75</sup> Hakamim.

Whether there is sufficient ground for supposing that a distinct class of teachers existed corresponding to this description, need not now be discussed. We are here concerned only with Sirach, and of him it is to be said that not only what we are told of him in the translator's preface but what he reveals in his own pages sets before us a very different man. "He had devoted himself pre-eminently to the study of the Law and the Prophets and the rest of our national literature, and had acquired much proficiency in them." In other words, he was primarily a biblical scholar, a *sofer*. To his proficiency in the Scriptures the book gives abundant testimony.

The extent to which the higher religious and moral teachings of the Law and the Prophets had been selectively appropriated, coördinated, and assimilated, can in no way better be estimated than by a study of Sirach from this point of view. But this is not all. The same investigation makes plain the direction in which Judaism had progressed beyond the stage it had reached at the beginning of the Persian period, and the immense significance of this advance.<sup>76</sup> Sirach is not the only author on whom this observation may be made; the whole literature of the Persian and Macedonian periods bear witness to it. But Sirach is of especial importance, because he was what in our time we should call a professional scholar, a student of the Scriptures and probably a teacher, an eminent member of the class or guild of *Soferim*, or "Scribes." The volume and range of his book give him opportunity to set forth with sufficient fulness his doctrine on many topics, and to recur to them in various connections, and this in turn makes interpretation more certain. Finally, the date of the book is known within limits of a decade or two, so that it may serve as a chronological datum. This date is the more valuable since it enables us to assure ourselves that the theology and ethics of the Tannaim in the second century after our era are substantially those of the *Soferim* at the beginning of the second century before it.

Within a few years after the death of Sirach there came a momentous crisis in the history of the Jews in Palestine. He

<sup>76</sup> On this subject see Part II.

had probably seen Judaea pass finally from the dominion of the Ptolemies to that of the Seleucids by the battle of Panium in 198 B.C., and the restorations of the walls of the temple and city under the high priest Simon <sup>77</sup> may have been made possible by the favor of Antiochus III.<sup>78</sup> But evil times soon followed.

The Seleucids were much more zealous for disseminating the blessings of Hellenic culture among their subjects than the Ptolemies, and in the cities of Syria, long since completely denationalized, the populations displayed a gratifying alacrity in adopting the newest fashion in civilization. Of the finer intellectual and aesthetic influences of Greek culture little is discernible; the difference in this respect between Antioch and Alexandria is salient. The picture which Poseidonios, himself a native of Apamea, paints of the Syrian cities in his day was probably no less true at an earlier time.<sup>79</sup>

In the century of Ptolemaic rule, knowledge of the Greek language must have been common among the upper classes, especially among the higher priesthood in Jerusalem, to whom, indeed, their relations with the government on the one hand and intercourse with the large Greek-speaking Jewish population of Egypt and the Cyrenaica on the other, made it a necessity. Nor is there any doubt that Greek civilization exercised over many Jews the same fascination it had for other Orientals, and that among them its customs and fashions were imitated, its luxuries eagerly sought after. Some families acquired great wealth in farming the taxes by the usual methods of extortion and oppression, and with riches their power grew and their ambitions rose, as we read in the story of the Tobiads.<sup>80</sup> They made no effort, so far as we know, to promote the spread of foreign ways among their countrymen.

Shortly after the accession of Antiochus Epiphanes, however, a calculated attempt of this kind was made, and the initiative came from the highest quarters. A brother of the high

<sup>77</sup> Ecclus. 50. 1 ff.

<sup>78</sup> Josephus, Antt. xii. 3, 3 §§ 138 ff.

<sup>79</sup> Frag. 18. C. Muller, Frag. Historicorum Graecorum, III, 258.

<sup>80</sup> Josephus, Antt. xii. 4, 1 ff.



priest Onias, who hellenized his barbarous name Jesus into Jason, ingratiated himself with the new king by displaying a flattering zeal for civilization and by his willingness to pay well for it. Besides the high price he offered for the appointment to the high priesthood in the room of his brother, he promised other large sums for the privilege of establishing a gymnasium in Jerusalem with the institution of *ephebi*, and for the enrolment of Jerusalem Jews as Antiochian citizens,<sup>81</sup> enterprises which were quite to the mind of Antiochus, especially when accompanied by tangible considerations. With the Jews the argument for assimilation ran, "Let us go and make alliance with the peoples around us, for since we separated from them many evils have befallen us."<sup>82</sup>

Jason was made high priest in 175/4 B.C. The privileges conferred by Antiochus III were annulled; Jerusalem was given a Greek constitution, with a right for its citizens to acquire — doubtless not gratuitously — Antiochian citizenship also. A gymnasium was built below the citadel; athletic young Jews enrolled as *ephebi* scandalized their pious elders by putting on broad-brimmed Greek hats. Priests hurried through their office in the temple to take part in the sports. Many submitted to a surgical operation to efface the blemish of circumcision, which provoked the ridicule of bystanders when the Jewish youth stripped for gymnastic exercises. When Greek games were being held at Tyre in the presence of the king, the Jewish high priest, Jason, sent ambassadors<sup>83</sup> with a contribution for the sacrifices to Hercules.<sup>84</sup>

The hellenization of Jerusalem in the broadest meaning of the word was thus in full swing. Jason's success encouraged a certain Menelaus<sup>85</sup> to imitate his example, and, though not of priestly lineage, he supplanted Jason in the high priesthood by larger promises. That he did not get possession without

<sup>81</sup> 2 Macc. 4, 8 f.

<sup>82</sup> 1 Macc. 1, 11.

<sup>83</sup> *θεωπολ*, such as the Athenians sent to the four great Hellenic games. It was a religious function. The ambassadors were not so completely emancipated as the high priest, and asked that the contribution be expended on the fleet. 2 Macc. 4, 18–20.

<sup>84</sup> With whom Melkart, the god of Tyre, was identified.

<sup>85</sup> In good Jewish, Menahem.

bloodshed may be inferred from 2 Macc. 4, 25, which on this occasion remarks, "He had the passions of a cruel tyrant and the fury of a ferocious wild beast." He prevailed, however, and Jason found a refuge beyond the Jordan, whence later, upon a rumor of Antiochus' death in Egypt, he emerged, took Jerusalem by a *coup de main* and executed sanguinary vengeance on the defenders, but was unable to maintain his conquest and was soon in flight again.

That the efforts of the king and his obnoxious creatures to hellenize — which meant heathenize — them ran counter not only to the attachment of the Jews to their religion but to their national sentiment is clear. The high priest and the senate had received Antiochus III as a deliverer from the misgovernment of the recent Ptolemies, and he was politic enough to assume the rôle. But notwithstanding the new political constellation Judaea was closer in every way to Egypt than to Syria, and the associations of a hundred years were not instantly sundered by an annexation. Whatever expectations of better times may have been raised by the first acts of Antiochus III were speedily dashed. The chronic financial straits of the Seleucid empire, especially in consequence of the crushing indemnity imposed by the Romans after Magnesia, made the burden of taxation more onerous than ever; Seleucus IV had tried to rob the temple in Jerusalem of its treasures and the large private deposits laid up in it; Menelaus appropriated some of its golden vessels to use in bribing Syrian officials, and left his brother Lysimachus to get the rest. To crown all this came the aggressive hellenizing policy of Antiochus IV. From such an evil and threatening present it would be strange if the Jews had not looked back to the good old times of Ptolemaic rule, when, whatever other grievances they had, at least nobody tried to modernize them, and they were left to isolate themselves in their national religion and customs as completely as they liked.

Such was the situation when the war between Antiochus IV and Egypt opened. That the sympathy of the Jews in general should be on the Egyptian side was inevitable, and Antiochus was doubtless apprised by Menelaus of their dis-

loyal sentiments. On his way back from this campaign in the autumn of the year 169 he came up to Jerusalem with a considerable force.<sup>86</sup> Under the conduct of the high priest, Menelaus, he entered the adytum of the temple, the Most Holy Place, and when he left carried off the altar of incense, the candelabra, the table of shew bread, the golden utensils of the cultus, and everything else he could lay his hands on, even stripping the gold plating from the front of the edifice.<sup>87</sup>

In the spring of 168 B.C. Antiochus invaded Egypt a second time, but in the midst of his operations the Roman senate intervened and peremptorily ordered him out of the country. The temper in which he returned to Syria may be imagined, nor would it be strange if he vented it on anything that opposed him. Whatever vindictiveness there may have been, however, in his dealing with the Jews, the measures he took in Judaea were themselves justified by political reasons.<sup>88</sup> His promising scheme for hellenizing the Jews, so to say from within, by the agency of the high priests and an upper class minority had had an effect diametrically opposite to his expectations. It had created a national opposition, which was strengthened by everything he did to accomplish his end. This national opposition had become an Egyptian party, whose rejoicing in his discomfiture was probably more sincere than discreet. Even if he could have brought himself to reverse his policy, he could not hope to regain their allegiance by the sacrifice of the only supporters he had. On the other hand, elementary strategical considerations forbade him to leave a stronghold like Jerusalem in the possession of a thoroughly disloyal population so near the frontier of a hostile empire.

He proceeded therefore to demolish the walls of the city and pull down or burn many of its houses. On the eastern hill,

<sup>86</sup> According to 2 Macc. 5, 11 to punish the city for its supposed connivance in Jason's raid. construed as a revolt.

<sup>87</sup> 1 Macc. 1, 20-24; 2 Macc. 5, 15 f.; cf. Josephus, Antt. xii. 5, 3. These accounts speak of much bloodshed in the city, which according to 2 Macc. he turned over to his soldiers to sack.

<sup>88</sup> The essentially political motive of the religious persecution is evident from the fact that it was confined to Palestine. There is no evidence that the Jews in Syria or Babylonia were molested in the observance of their religion.



south of the temple, he built and strongly fortified a smaller city, and colonized it with foreigners. What were in his eyes the loyal remnant of the Jews were also established there under the protection of a mercenary garrison in the citadel, which stood on higher ground than the temple.

When this had been accomplished Antiochus converted the temple to the worship of the Olympian Zeus.<sup>89</sup> The great altar in the court became the pedestal of a smaller altar of Greek fashion (*βωμός*), on which swine were offered in sacrifice.<sup>90</sup> The whole Jewish cultus was thus superseded.

Antiochus understood perfectly well that the heart of the opposition to him was religious. He resolved to extirpate the religion. All its observances, particularly circumcision and the keeping of sabbaths and festivals, were prohibited under pain of death. Copies of the Law were destroyed and the possession of such a volume was made a capital offense. Altars were set up in the towns and villages, and participation in the heathen sacrifices was made a test of loyalty. Many obeyed the king's edict, some voluntarily, a larger number, doubtless, under duress. Those who refused thus publicly to apostatize were put to death. Many fled and concealed themselves from the king's officers.

This persecution provoked an insurrection headed by Judas Maccabaeus and his brothers. Their bands roved through the country, destroying the altars, circumcising the children, and ruthlessly harrying the "apostates" who had submitted to the royal edict. The Syrian commanders made the mistake of underrating their enemy, and the defeats they suffered in the first encounters led larger numbers to rally to Judas and raised the confidence of his followers. Antiochus himself had greater enterprises, which took him to the far east of his empire never to return. The expeditions successively despatched by the regent Lysias failed to suppress the revolt. In the autumn of the year 165 Judas got possession of the temple, which he restored and reconsecrated.<sup>91</sup> Law-abiding priests were installed<sup>92</sup>

<sup>89</sup> The Samaritan temple on Gerizim was similarly dedicated to Zeus Xenios.

<sup>90</sup> The high priest Menelaus remained in office.

<sup>91</sup> Kislev (roughly, December) 25, 165 B.C.

<sup>92</sup> No high priest was appointed.

and the worship resumed in its ancient forms. The temple was strongly fortified, especially against attack from the side of the citadel, which was occupied by a Syrian garrison and, with the city at its foot, the refuge of the Jewish loyalists, was held for the king through all vicissitudes till 141 B.C. The regent Lysias was by this time convinced that the attempt to root out the religion was a failure in every sense, and, after negotiations with Judas, full liberty was guaranteed to the Jews to worship their own God in their own way and to live according to their national law and custom, and an amnesty was offered in the king's name <sup>93</sup> to all who had taken part in the rebellion on condition that they came in within a month.

This change in the policy of the government did not bring peace. Judas and his brothers did not deem their task accomplished so long as their countrymen beyond Jordan and in Galilee, or on the seaboard and in Idumaea, were harassed by the heathen, and undertook what are now called punitive expeditions for their relief. Nor were they content to leave the citadel of Jerusalem itself in foreign hands.

When Judas laid siege to this fortress, however, it was relieved by a Syrian army, and Judas was in turn besieged in the temple and reduced by famine to the verge of capitulation. Lysias was in a position to dictate terms, and besides requiring Judas to evacuate the temple made it indefensible by breaching its fortifications. But religious liberty was again guaranteed; that phase of the struggle was ended.

The attempt to hellenize Judaea by force aroused, in the act of resistance to it, a violent hostility to heathenism with all its works and ways. The neighboring peoples reciprocated this enmity in full measure and made the Jews settled among them suffer from it on every occasion, partly as a vent to their own feelings, partly perhaps as a demonstration of loyalty; with the mob, no doubt, it was a welcome pretext for violence and rapine. In defense of their outraged countrymen the Maccabees, when they were able, retaliated in kind.

At home they had to reckon with the loyalist party. The revolt was not, as is sometimes imagined, the uprising of the

<sup>93</sup> Antiochus V, Eupator.

Jewish people with one heart to save its imperilled religion. To say nothing of the high priests, who owed to the king the civil and religious headship of the people, and their following, what would nowadays be called the solid part of the community, the men of property and position in Jerusalem, would have been unlike their kind if peace and order in which to enjoy their privilege had not seemed to them the condition of all earthly good. Many of them had compromised themselves too deeply by compliance with the king's edict to hope to make their peace with the rebels, who were so merciless against all "apostates." After the recovery of the temple and the guarantee of religious liberty by the compact between Lysias and Judas, the cause for which the Maccabaeen faction had taken up arms was no longer a living issue, but peace and order were as far away as before. The more evidently the aim of this party now developed into the autonomy of Judaea under one of the rebel chiefs, the more strongly the royalists were opposed to the movement. For a quarter of a century there was always a possibility that in some of the vicissitudes of the times this party might come into power again.

With the subsequent chapters of the political history of Judaea we are not here concerned. In the twenty years that followed the death of Judas <sup>94</sup> his brothers Jonathan and Simon achieved the goal of independence. Demetrius II recognized Simon as high priest and the autonomous ruler of a Jewish state. First Maccabees records: In the year 170 <sup>95</sup> the yoke of the heathen was removed from Israel, and the people of Israel began to date documents and contracts, 'In the year of Simon, the great high priest and commander-in-chief and ruler of the Jews.' <sup>96</sup>

Simon's son and successor, John Hyrcanus (135-104 B.C.), waged aggressive wars on all sides. He made a campaign east of the Jordan in the old territory of Moab; took Shechem, and destroyed the temple on Mt. Gerizim which pretended to rival Jerusalem; conquered the Idumaeans in the south, and made

<sup>94</sup> In the spring of 160 B.C.

<sup>95</sup> Of the Seleucid era, equivalent to 143/2 B.C.

<sup>96</sup> The use of a native era was the formal attestation of independence.



Jews of them by compulsory circumcision; recovered Joppa and Gazara; and finally, toward the end of his reign, after a long siege conducted by his sons, captured the city of Samaria and totally destroyed it. Aristobulus, in his brief reign (104 B.C.), pursued a similar policy in judaizing Galilee. His brother and successor Alexander Jannaeus (103-57 B.C.), who assumed the title King, conquered the remaining cities on the coast, including Gaza, and waged war with varying fortunes beyond Jordan. At the height of his success his dominion extended almost to the traditional bounds of the empire of Solomon.

The wars the Jews waged, first for religious liberty, then for the independence of Judaea, and finally for the reconquest of the whole land of Israel, aroused an aggressive national spirit which was reflected in religion. Triumphant Judaism was under no temptation to assimilate itself to the religions of heathen over whom its God had given it the victory. Some enthusiasts saw in the events of the time the Lord's deliverance foretold in ancient prophecies and the dawning of the yet more glorious day that was to follow. The Jews in other lands shared in this exaltation of spirit. As in older times, the triumphs of the Lord were a revival of religion, in the sense, at least, of enthusiasm for it and heightened loyalty to it.

That otherwise this century was favorable to religious advance can hardly be imagined. Its history is written in a succession of wars at home and abroad which must have wrought wide devastation and, according to all experience, demoralization on a corresponding scale — none the less because they were in some sort wars of religion.

Our sources deal, however, almost exclusively with political history, and tell us nothing about the everyday doings of common men. We can well believe that in the intervals of peace and even amid the disorders of war scholars stedfastly pursued their studies in Scripture and tradition, and pious men were as scrupulous in the observance of their religious duties as in happier times. In the early years of the period we read of a company of scholars (*συναγωγή γραμματέων*) who presented themselves to the newly appointed high priest Alcimus,

and had reason to rue their simplicity; <sup>97</sup> and though we have no other notice of them it is certain from later events that the learned succession was not broken off.

Later we find the guild of scholars (Scribes) with their tradition supported by what may properly be called a party of tradition, the Pharisees. The first mention of the Pharisees in Josephus <sup>98</sup> is in a paragraph injected without relation to the context in the midst of Jonathan's wars with Demetrius II and his negotiations with the Romans and the Spartans, <sup>99</sup> telling that "about this time" there were three schools, or sects (*αἱρέσεις*), of the Jews, who entertained different notions about fate and free will, the Pharisees, the Sadducees, and the Essenes, for fuller information about which the reader is referred to what he had written earlier in the second book of the Jewish War.

Not long after, the Pharisees emerge on the historical stage in conflict with John Hyrcanus, <sup>100</sup> and here we find them in their true character as the partisans of the Unwritten Law. "The Pharisees have delivered to the common people by tradition from a continuous succession of fathers certain legal regulations which are not written in the Law of Moses, on which account the Sadducean sort rejects them, affirming that what is written is to be regarded as law, but what comes from the tradition of the fathers is not to be observed." On this point the Pharisees have the mass of the people on their side, and they have so much influence that anything they say, even against a king or a high priest, finds ready credence. <sup>101</sup> Elsewhere the importance they attach to the exact interpretation and application of the laws is noted. <sup>102</sup>

According to Josephus, John Hyrcanus was a disciple of the Pharisees and highly esteemed by them. Later, however, he broke with them upon a personal grievance, and went over to the Sadducees. Thereupon he abrogated the ordinances the Pharisees had established, and punished those who observed them. This, it is added, was the cause of the hatred of the

<sup>97</sup> 1 Macc. 7, 12 ff.

<sup>98</sup> Antt. xiii. 5, 9 §§ 171-173.

<sup>99</sup> In 139 B.C.

<sup>100</sup> Antt. xiii. 10, 5.

<sup>101</sup> Cf. Antt. xvii. 2, 4, § 41.

<sup>102</sup> Bell. Jud. ii, 8, 14, § 162.

commonalty toward him and his sons.<sup>103</sup> What is patently a doublet of this story is told in the Talmud of King Jannai (Alexander Jannaeus);<sup>104</sup> with a sequel which makes it certain that Jannai is not here a confusion of names with Johanan (Hyrcanus),<sup>105</sup> as has frequently been assumed. That John Hyrcanus went over to the Sadducees is attested by another Baraita; "Do not put confidence in yourself till the day of your death, for there was Johanan the high priest (Hyrcanus), he ministered for eighty years,<sup>106</sup> and became a Sadducee at the last."<sup>107</sup>

It is clear that in the latter part of the second century before our era the Pharisees were already established in a position of great influence, and thenceforward they bore a leading part in the development and triumph of normative Judaism — so prominent, in fact, that the name Pharisaism is sometimes given to it.

Of the origin and the antecedents of the Pharisees there is no record. It is commonly surmised that they were the successors of those who in earlier generations called themselves Ḥasidim,<sup>108</sup> to distinguish themselves as what we call religious men from their worldly and indifferent countrymen. Their temper is illustrated by the fact that, at the beginning of the persecution under Antiochus Epiphanes, a body of refugees of this kind let themselves be slaughtered, with their wives and children, in their retreat in the wilderness, rather than profane the sabbath by raising a hand to defend themselves, saying, "Let us all die together in our innocency."<sup>109</sup> Before long, however, the "Asidaeans" joined forces with the Maccabaeans

<sup>103</sup> The difficulties of Hyrcanus with the Pharisees are elsewhere ascribed to the jealousy of the latter. See *Bell. Jud.* i. 2, 8 § 67 and *Antt.* xiii. 10, 5 § 288 (ultimately from the same source); cf. also *Antt.* xiii. 10, 7.

<sup>104</sup> Jannai is a nickname for Jonathan, as is proved by his coins.

<sup>105</sup> "They slew all the leading scholars of Israel, and the world was upside down until Simeon ben Shataḥ came and restored the law to its old place." This restoration took place under Queen Alexandra. *Kiddushin* 66a. Cf. *Josephus, Antt.* xiii. 13, 5 § 372; 14, 2 § 383.

<sup>106</sup> *Yoma* 9a also gives him 80 years.

<sup>107</sup> *Berakot* 29a.

<sup>108</sup> Literally, the Pious, or the Religious.

<sup>109</sup> The name Asidaeans does not occur in this narrative. *1 Macc.* 2, 29-38.



leaders,<sup>110</sup> consenting under the stress of circumstances to a modification of the sabbath law permitting fighting in self-defence.<sup>111</sup>

When religious liberty was secured, and a new and presumably legitimate high priest, Alcimus, was appointed, the Asidaeans were the first to seek to make peace with him and the Syrian general Bacchides who came to see him installed in his office.<sup>112</sup> Alcimus was not disposed to condone their part in the rebellion,<sup>113</sup> and, as Judas and his brothers declined his treacherous overtures for a conference, executed sixty of the scribes and the religious who indiscreetly put themselves in his power, to the disillusionment and consternation of the rest. This is all that our sources tell us about the attitude or the conduct of the Asidaeans in the Maccabaeian struggle, and if the connection of the Pharisees with them were established it would add nothing to our knowledge of the latter.

The word Pharisee<sup>114</sup> represents the name in its vernacular form, *Pērīsha*.<sup>115</sup> The derivation from the verb *pērash* (Hebrew *parash*) is plain; not so the significance and occasion of the name. The interpretation that first suggests itself is 'one who is separated, or, is separate';<sup>116</sup> but from whom or from what — a complement which is necessary to give it meaning — the word contains no intimation; nor does either usage or tradition supply the deficiency.

From the peculiar rules and customs of the Pharisees it is commonly inferred that they were so called because they religiously avoided everything that the law branded as unclean, and for fear of contamination kept aloof from persons who were suspected of negligence in such matters.<sup>117</sup> Definitions

<sup>110</sup> 1 Macc. 2, 42-44: τότε συνήχθησαν πρὸς αὐτοὺς συναγωγὴ Ἀσιδαίων, ἰσχυροὶ δυνάμει ἀπὸ Ἰσραὴλ, πᾶς δ' ἐκουσιαζόμενος τῷ νόμῳ. This reading (Cod. A al., Vulg.) is obviously right; see 1 Macc. 7, 13; 2 Macc. 14, 6.

<sup>111</sup> 1 Macc. 2, 40 f.

<sup>113</sup> Cf. 2 Macc. 14, 6.

<sup>112</sup> 1 Macc. 7, 13 ff.

<sup>114</sup> Φαρισαῖος, Pharisaeus.

<sup>115</sup> In rabbinical texts it appears only in the equivalent Hebrew form, *Parush*.

<sup>116</sup> "Separatist," which is sometimes used as an equivalent, is objectionable, because, through its English associations, it may suggest that the Pharisees separated themselves as a sect from the body of the Jewish church.

<sup>117</sup> So Wellhausen, *Pharisäer und Sadducäer*, pp. 76 ff. Schürer, *Geschichte des jüdischen Volkes*, u. s. w., II, 398 f.

in this general sense were current among the Church Fathers.<sup>118</sup> In the 'Aruk <sup>119</sup> the name is defined, "A Pharisee is one who separates himself from all uncleanness and from eating anything unclean," in distinction from the mass of the common people, who were not so particular.

Such an appellation might have been bestowed on them in a derogatory sense by those who resented their pretensions to superior purity, and, as has happened in similar cases — the Methodists, for instance — been accepted, with a favorable implication by the Pharisees themselves. On the other hand, it may have been a name originally assumed by them. In the latter case it may be observed that in the Tannaite Midrash *parūsh* is frequently associated with *kadōsh*, 'holy.' In Lev. 11, at the end of the chapter of unclean beasts, fishes, birds, and vermin with which the Israelites are forbidden to defile themselves, this prohibition is enforced by the motive: 'For I am the Lord thy God. Hallow yourselves therefore and be ye holy; for I am holy.' On this the Sifra: "As I am holy, so be ye also holy; as I am separate (*parūsh*), so be ye also separate (*pērūshīm*)."<sup>120</sup> Similarly, on Lev. 19, 2 ('Ye shall be holy, for I, the Lord your God, am holy'): "Be ye separate (*pērūshīm*)."<sup>121</sup> Again, in the Mekilta on Exod. 19, 6 ('Ye shall be unto me a kingdom of priests, a holy nation'): "*Holy* — holy, hallowed, separated from the peoples of the world and their detestable things."<sup>121</sup> Separateness in these contexts is synonymous with holiness in God and in man; the ideal of holiness for Israelites is the ideal of separateness, and it is easy to see how those who made it their end to fulfil this ideal might take its name *Perushim* as a less presuming title than *Qadoshim*.

Others look for the origin of the name in a historical situation and conjecture that it was originally applied to the Asidaeans who separated from Judas Maccabaeus when freedom of religion was achieved and a legitimate high priest succeeded

<sup>118</sup> See Schürer, l.c.

<sup>119</sup> A lexicon to the Talmud by Nathan ben Jehiel of Rome (died 1106).

<sup>120</sup> Shemini Perek 12 (ed. Weiss f. 57 b). Exactly so also on 20, 26 (*Qadoshim*, end, f. 99d, top), in a similar connection.

<sup>121</sup> Ed. Friedmann f. 63a; ed. Weiss f. 71a.

Menelaus.<sup>122</sup> An alluring parallel is adduced from the early history of Islam, when the ultra-religious faction in his army seceded from Ali in his conflict with Mo'awiya and from this secession were called Kharijites, 'Come-outers.'<sup>123</sup>

In more than one place in Josephus the Pharisees are said to be noted for their precise and minute interpretation of the laws,<sup>124</sup> and it is thought by some that the name may be derived from this activity. The verb *parash*, *pērash*, in fact, means not only 'separate' but 'distinguish,' or 'express distinctly,' and so, 'interpret.' The Pharisees would, in this view, be 'the exegetes.'<sup>125</sup> It was an objection to this theory that the natural and usual expression for 'exegetes' in Hebrew is *mēfarēshīm*, not *pērūshīm*, and correspondingly in Aramaic. Others would take the name in the more general sense, something like 'precisians,' to which the grammatical difficulty need not apply.

The foregoing cursory survey of the proposed explanations of the name may suffice to show that etymology has no addition to make to what is known of the Pharisees from historical sources.

The breach between John Hyrcanus and the Pharisees has already been mentioned. In the later years of his rule he had to put down a seditious movement which grew to the proportions of war. The motive of the insurrection is said to have been envy inspired by the king's success.<sup>126</sup> In the corresponding passage in the Antiquities<sup>127</sup> the same motive is alleged, but mention is somewhat inconsequentially introduced of the ill-disposition of the Pharisees toward him, and their influence with the people. We have already seen that the hostility of

<sup>122</sup> See above, p. 344.

<sup>123</sup> E. Meyer, *Ursprung und Anfänge des Christentums*, II, 283 f. (1921). The same theory of the origin of the name was propounded by Professor Mary I. Hussey in the *Journal of Biblical Literature*, XXXIX (1920), 66-69.

<sup>124</sup> Bell. Jud. i. 5, 2 § 110; ii. 8, 14 § 162; Antt. xvii. 2, 4 § 41.

<sup>125</sup> This explanation was, so far as I know, first advanced by Graetz. It has recently found an advocate in Leszynsky, *Die Sadduzäer* (1912). pp. 27 ff., 105 ff.

<sup>126</sup> Bell. Jud. i. 2, 8 § 67. It is generally recognized that Josephus here reproduces the statements and judgment of his source, presumably Nicolaus of Damascus.

<sup>127</sup> Antt. xiii. 10, 5 § 288.



the masses toward him and his sons is attributed to his abrogation of the ordinances of the Pharisees.<sup>128</sup> If this enmity broke out in overt act it would give a more intelligible reason for the sedition than the vague "envy" of Josephus' first source. After the suppression of the revolt, both accounts relate that Hyrcanus lived in prosperity and ruled well. Josephus concludes with a eulogy of him, as one whom God had deemed worthy of the three greatest things, the government of the nation, and the high priesthood, and the gift of prophecy.<sup>129</sup>

The conflicts of Alexander Jannaeus with his people were much more serious. The beginning was a riot in the temple at the Feast of Tabernacles, where he was officiating as high priest. The multitude, incensed by his negligence in a part of the ceremony, threw at him the citrons<sup>130</sup> they carried in the festal procession, and shouted the slander that his mother had been a captive in war, and that he, therefore, was disqualified for the priesthood. He turned his Pisidian mercenaries on the mob,<sup>131</sup> and the disturbance was quelled after six thousand had been killed.

In the sequel of Alexander's disastrous defeat in a war with the Arabs in which he lost almost the whole of his army, the malcontents took advantage of his calamity to rebel against him. The civil war lasted six years, and cost fifty thousand lives; but, although beaten, his enemies rejected his overtures of peace — nothing but his death could reconcile them to him. The implacables called in the Seleucid Demetrius Eukairos to deliver them from their native king, and joined forces with him. Despite the gallantry of his mercenaries, who were cut to pieces in the battle, Alexander was defeated and put to flight. The very completeness of their success, however, caused a revulsion, and six thousand of the Jews who had fought under the Syrian banner decamped from the victorious army and went over to Alexander, out of pity for him in his

<sup>128</sup> Above, p. 342.

<sup>129</sup> Antt. xiii. 10, 7 § 299. Cf. Jer. Soṭah 24b; Soṭah 33a.

<sup>130</sup> *Etrogim*.

<sup>131</sup> Like all the tyrants of the time, the Asmonaeon princes maintained a guard corps of foreigners.

fallen fortunes, it is said; more likely because in the moment of triumph it dawned upon their tardy intelligence that the collapse of the Judæan national kingdom meant inevitable subjection to the Seleucid dominion from which the Asmonæans had delivered them. Demetrius abandoned such inconstant allies and withdrew.

Left a free hand, Alexander at length completely crushed the rebellion. He celebrated his triumph by the crucifixion of eight hundred of his prisoners at Jerusalem with circumstances of ingenious atrocity, which caused such a panic that eight thousand who had reason to fear a like fate fled the country and did not venture to return till after the king's death.<sup>132</sup>

This intestine strife is frequently represented in modern books as a conflict between Alexander Jannæus and the Pharisees.<sup>133</sup> It is not amiss, therefore, to remark that neither in the primary account in the War nor in the secondary one in the Antiquities do the Pharisees figure at all. In the former they come in only after the events of Alexander's last years, the accession of Queen Alexandra, and a description of the character and conduct which won for her the good will of the people.<sup>134</sup> "The Pharisees associated themselves with her administration, a body of Jews who profess to be more religious than the rest, and to explain the laws more precisely. Alexandra, being fanatically religious, paid great attention to them. By degrees they insinuated themselves into the confidence of the foolish woman, and soon got the management of affairs, banishing or recalling, liberating or imprisoning, whomsoever they pleased. In a word, the advantages of royalty were theirs, the cost and the troubles were Alexandra's."<sup>135</sup>

Nor is there any mention of the Pharisees as agitators, instigators, or belligerents anywhere in the parallel account of

<sup>132</sup> Josephus, *Bell. Jud.* i. 4, 3-6; *Antt.* xiii. 13, 5-14, 2. However greatly some or all the numbers may be exaggerated, the ferocity of the long-continued struggle is beyond question.

<sup>133</sup> This notion results from a combination of Josephus with the commentary on *Megillat Ta'anit*.

<sup>134</sup> *Bell. Jud.* i. 4, 7-5, 1.

<sup>135</sup> *Bell. Jud.* i. 5, 2 §§ 110 f. This is the first mention of the Pharisees in the War. The characterization and the depreciatory judgment are taken bodily from Josephus' source in this part of the book, the historian Nicolaus of Damascus.

the civil war in the Antiquities. They appear only in the melodramatic deathbed scene where the dying king counsels the weeping queen, as soon as she returns to Jerusalem, to give some measure of power to the Pharisees, who would laud her for this honor, and make the people favorable to her. It was by affronting them that he had come into collision with the nation.<sup>136</sup> Acting on this advice, she let the Pharisees do whatever they pleased, and commanded the populace to obey them. She also restored all the ordinances that the Pharisees had introduced in accordance with ancient tradition and her father-in-law Hyrcanus had annulled.<sup>137</sup> According to the rabbinical sources this restoration took place under the superintendence of Simeon ben Shatah, a brother of the queen.

The notion, inferred from casual notices in the Talmud and the commentator on Megillat Ta'anit, that the Pharisees had been killed off by Alexander Jannaeus or driven out of the country, conflicts with Josephus, who, on the contrary, represents them, at the close of Alexander's reign, as so powerful in Jerusalem through their influence over the people that they must be conciliated if the queen is to rule in security.<sup>138</sup>

How they exercised their power when Alexandra let them have their own way in internal affairs is illustrated by their treatment of the counsellors and loyal supporters of the late king. They themselves killed Diogenes, a distinguished man and friend of Alexander, whom they accused of advising him to execute the eight hundred prisoners whom he crucified, and they persuaded the queen to put to death the others who had incited him against them. When she yielded to them for religious reasons,<sup>139</sup> they themselves put out of the way whomsoever they wished. The nobles<sup>140</sup> appealed to Aristobulus, who per-

<sup>136</sup> Antt. xiii. 15, 5. Note also the king's directions about what was to be done with his body, and the effect of this stratagem.

<sup>137</sup> Antt. xiii. 16, 2 § 408; (cf. 16, 1 § 405).

<sup>138</sup> The historical value of the story of the king's dying counsels in the Antiquities may be zero; but the same inference regarding the power of the Pharisees may be drawn from the account of their relations with Alexandra in the War.

<sup>139</sup> ἐπὶ δεισιδαιμονίας in Josephus' source is meant in a derogatory sense, "out of superstition."

<sup>140</sup> οἱ δυνατοί.

sualed his mother to spare their lives on account of their rank, but to banish them from the city if she deemed them at fault. Amnesty being granted on these terms, they were scattered through the country.<sup>141</sup>

The succinct definition of the Pharisees quoted above, "A body of Jews who profess to be more religious than the rest and to explain the laws more precisely,"<sup>142</sup> describes them as they appeared to an outside observer who had ample opportunity of acquaintance with them in the days of Herod.<sup>143</sup> These are exactly the traits that characterize them in the first three Gospels and the Acts of the Apostles. In those writings they are frequently bracketed with the Scribes in the phrase "Scribes and Pharisees." The Scribes,<sup>144</sup> as we have seen, were a learned class whose vocation was the study and exposition of the Law. In the first instance biblical scholars, as the name suggests, they became authorities also in the unwritten branch of the Law, in the development of which they had the leading part. The Pharisees were a party whose endeavor it was to live in strict accordance with the law thus interpreted and amplified, and to bring the people to a similar conformity. Most of the Scribes were of this party,<sup>145</sup> but the bulk of the Pharisees were not scholars.

The devotion of the Pharisees to the traditional law with its manifold regulations or ordinances (*νόμμος*) is signalized by Josephus (or his sources) in numerous passages, some of which have previously been cited.<sup>146</sup> This was in fact their distinguishing characteristic — they were the zealous partisans of the unwritten Law. The fundamental issue in their controversy with the Sadducees was the obligation of traditional rules

<sup>141</sup> Bell. Jud. i. 5, 3 § 114. In the parallel account in Antt. xiii. 16, 2 f. §§ 411–417 they set forth the peril they are in, plead their services to the king and their loyalty to his house, and beg that if the queen was resolved to prefer the Pharisees, she would assign them to garrison duty in the fortresses.

<sup>142</sup> Bell. Jud. i. 8, 14 § 162; cf. Antt. xvi. 2, 4 § 41; xviii. 1, 3 § 12.

<sup>143</sup> See above, p. 348.

<sup>144</sup> *Soferim*, γραμματεῖς.

<sup>145</sup> Note οἱ γραμματεῖς τῶν Φαρισαίων, Mark 2, 16.

<sup>146</sup> Bell. Jud. ii. 8, 14 § 162; Antt. xvii. 2, 4 § 41; Vita c. 38 § 191. How they were abrogated by John Hyrcanus (Antt. xiii. 10, 6 § 296) and reënacted by Alexandra (xiii. 16, 2 § 408) has already been told.



and observances for which there was no direct biblical authority.<sup>147</sup> Herein lies the historical importance of the Pharisees. They mediated to the people the knowledge of the Law, impressed upon them by precept its authority, and set them the example of punctilious observance of its minutiae. They were the better able to do this because their adherents were drawn from various social classes, but principally, it appears, from that medium layer of society in which puritan movements in all religions have found their chief support.

In opposition to the Pharisees, the Sadducees maintained that the written Law alone was valid and rejected the additions the Pharisees made to it on the alleged authority of ancient tradition.<sup>148</sup> The written Law, however, requires interpretation, and in their interpretation the Sadducees were in general more literal, and in matters of criminal law more severe, than the Pharisees.<sup>149</sup> These interpretations and the precedents established under them could not fail to constitute what may in a proper sense be called a Sadducean tradition; but, however tenaciously they may have adhered to it in practice or in controversy, they did not ascribe to it intrinsic authority as the Pharisees did to their "tradition of the elders." The Sadducees were all the more under the necessity of having such a body of common law because for a long time the actual administration was in the hands of the classes among whom they were most numerous represented. In later times, at least, they had schools of their own; and the different temper of the two parties is illustrated when we read in Josephus that, while the Pharisees showed the greatest deference to their seniors and had not the audacity to contradict their utterances, among the Sadducees it was counted a virtue to dispute the teachers whom they frequented.<sup>150</sup> The primary cleavage between the Sadducees and the Pharisees was on the doctrine of

<sup>147</sup> Antt. xiii. 10, 6 §§ 297 f. This is confirmed by the Mishnah.

<sup>148</sup> Josephus, Antt. xiii. 10, 6 § 297; xviii. 1, 4 § 16. The *παράδοσις τῶν πατέρων*, Matt. 15, 1 ff.; Mark 7, 1 ff.

<sup>149</sup> Antt. xx. 9, 1 § 199; cf. xiii. 10, 6 § 204.

<sup>150</sup> Antt. xviii. 1, 3 § 12; 1, 4 § 16. Josephus is probably describing things as they were in his own time.

revelation. Scripture is the only authority, said the Sadducees; Scripture and Tradition, said the Pharisees.<sup>151</sup>

Next to this the most important doctrinal difference between the two was in the field of eschatology. The Pharisees believed in the survival of the soul, the revival of the body, the great judgment, and the life of the world to come. The Sadducees found nothing in the Scriptures, as they read them in their plain sense, about the resurrection of the dead or retribution after death, and rejected these new imaginations along with the subtleties of exegesis by which they were discovered in the Law.<sup>152</sup>

In Acts 23, 8 the Sadducees are said to deny not only the revival of the dead but the existence of angels and spirits. That they consistently rationalized the biblical appearances of angels into men acting as the messengers of God is unlikely; but it is in accord with their whole attitude that they should repudiate as vulgar superstition the exuberant angelology and demonology which flourished in that age and was cultivated in apocalyptic circles.<sup>153</sup> With it would fall the belief in the individual guardian angel (Acts 12, 15; Matt. 18, 10), as well as in ghosts, the spirits of dead men (Luke 24, 37; 39).

The statement of several of the Fathers that the Sadducees (like the Samaritans) acknowledged as Scripture nothing but the Pentateuch may be a misunderstanding of what Josephus says about their rejection of everything but the written Law. There is no intimation of the kind in Jewish sources.

The origin or occasion of the name Sadducee is as obscure as that of the Pharisees. It is evidently formed from the proper name which is familiar in the English Old Testament as Zadok,<sup>154</sup> and the derivative would mean 'a follower of Zadok,'

<sup>151</sup> In the end they came by an inevitable logic to assert that the written and the unwritten Law were both completely revealed to Moses at Sinai. As in Christianity or in Mohammedanism, tradition was indispensable not only as a complement to Scripture but as its authoritative interpreter.

<sup>152</sup> Bell. Jud. ii, 8, 14 § 175; Antt. xviii. 1, 4 § 16. Cf. Mark 12, 18-27 (Matt. 22, 23-33; Luke 20, 27-40); Acts 23, 6-9. For specimens of the rabbinical proofs, see Sanhedrin 90b; cf. also Matt. *l.s.c.*

<sup>153</sup> Take the Book of Enoch for an example. For the esoteric lore of the Essenes about the names of angels, see Josephus, Bell. Jud. ii. 8, 7 § 142.

<sup>154</sup> צדק, Σαδδουκ.

in the English 'a Zadokite.' The most widely accepted surmise connects the name with that Zadok whom Solomon installed as chief priest in the room of Abiathar, who was deprived on account of his participation in Adonijah's abortive attempt to seize the throne.<sup>155</sup> As the priesthood of Jerusalem before the exile, "the sons of Zadok" are, in Ezekiel's ideal of the restoration, to be the only priests of the new temple; the descendants of the old local priesthoods, the priests of the high places, being degraded to a lower order of the clergy, and strictly excluded from all higher sacerdotal functions and privileges.<sup>156</sup> On the testimony of the Chronicler, not all the priests of the second temple traced their lineage to Zadok, but the descendants of Zadok were more numerous among the leading men.<sup>157</sup>

The name Zadokite (Sadducee) may thus first have designated an adherent, or partisan, of the priestly aristocracy, and in time have been extended to all who shared the principles or opinions current in those circles. In Acts 5, 17 we read, "The high priest stood up and those that were with him (which is the sect of the Sadducees)," etc. In Acts 4, 9 also the high priests and the Sadducees act together, as elsewhere the Scribes and Pharisees are coupled.

In the Abot de R. Nathan (c. 5) it is narrated how the twin heresies of the Sadducees and the Boethusians about retribution after death started in the schools of two disciples of Antigonus of Socho named respectively Zadok and Boethus,<sup>158</sup> who reasoned that Antigonus would never have exhorted men to serve God without hope of reward if he had believed that there was another world and a resurrection of the dead. The author of this legend knew the Sadducees only as an eschatological heresy, and imagined it as arising in the discussions of a rab-

<sup>155</sup> 1 Kings 2, 35. So A. Geiger, *Urschrift und Uebersetzungen der Bibel*, 1857; *Sadducäer und Phariseer*, 1863; Wellhausen, *Pharisäer und Sadducäer*, 1874.

<sup>156</sup> Ezek. 44, 10-16; 48, 11; 43, 19; 40, 46. Cf. 2 Kings 23, 8-9; Deut. 18, 6-8.

<sup>157</sup> 1 Chron. 24, 1-6. The author, there as elsewhere, makes the conditions existing in his own time an institution of David. See also the Hebrew text of Sirach, 51, 12 (in a psalm-like passage to which there is no Greek or Syriac counterpart), and the writing of the Damascene sect, ed. Schechter, page 4, lines 2 f.

<sup>158</sup> There is a strong probability that the Boethusians really got their name from a high priest of Herod's creation.

binical school. But the existence of such an explanation shows that it had not occurred to the Jews to connect the name with the Zadokite priesthood. The possibility remains that the party, or sect, perpetuates the name of some (to us) unknown founder or leader.<sup>159</sup>

The adherents of the Sadducees were found only in the class of the well-to-do; they had no following among the masses, who were on the side of the Pharisees.<sup>160</sup> This item in the characterization of the Sadducees has of late years been greatly emphasized. They were, it is said, not properly a religious party, or sect, as the Pharisees were, but primarily a social class, the aristocracy of the priesthood, together with the wealthy and influential laity whom community of interest and culture attached to the sacerdotal nobility with whom they were frequently allied also by marriage. Their position on the sole authority of Scripture or on the new eschatology was the instinctive conservatism of the upper classes, clerical and lay, in the face of an aggressive and popular party which threatens their primacy. This representation, closely associated with the first theory of the origin of the name Sadducee reported above, is a reaction from the older notions which made the division between Pharisees and Sadducees purely dogmatic. It gives a good explanation of the fact that the Sadducees were almost exclusively of the upper classes. But in laying the whole stress on the hierarchical and social affiliations of the Sadducees, it runs counter to the unanimous testimony of the sources. Whatever their origin, they were, in contemporary eyes, a religious party in Judaism, characterized by the distinguishing beliefs or doctrines which have been set forth above.

The triumph of the Pharisees under Alexandra was the restoration of their regulations, which were in effect a legislation supplementary to the Law in the form of an interpretation of it or a fence about it. Of the particular regulations and

<sup>159</sup> So most recently Eduard Meyer, *Ursprung und Anfänge des Christentums*, II, 290 f.

<sup>160</sup> Josephus, *Antt.* xiii. 10, 6 § 298; xviii. 1, 4 § 17. "Their doctrine reaches only a few men, but those who hold the highest offices."



ordinances which were then at issue nothing has come down to us from that age. The subsequent elaboration in the schools and the ultimate comprehensive and codified collections made in the second century of our era superseded all earlier formulations. Their character and spirit, however, may be illustrated by the recently recovered laws of a schismatic Jewish sect, who in the second (or perhaps in the first) century before the Christian era, separating themselves from "the children of perdition" in Jerusalem, emigrated from Judaea and settled in the region of Damascus, where they organized themselves in a peculiar fashion, and entered into a "new covenant" to live according to the law as defined by a revered teacher of their own. In this writing the rules of Sabbath observance, which are laid down in considerable detail, may be taken for example.<sup>161</sup>

A man shall not do any work on the sixth day of the week from the time when the disc of the sun is distant from the portal (into which it enters at sunset). . . .<sup>162</sup> For this is what is said: "Keep (i.e. guard) the Sabbath day to hallow it."

On the Sabbath day a man shall not engage in foolish and vain talk; he shall not claim anything back from his fellow; he shall not have an argument with him about money matters; he shall not talk about work and labor to be done next morning.

. . . .<sup>163</sup> A man shall not walk outside of his town more than two thousand cubits.<sup>164</sup>

A man shall not eat on the Sabbath day anything that was not previously designed for that purpose. . . . And

<sup>161</sup> The text of the manuscript sometimes appears to be corrupt or defective, or the reading uncertain, and the interpretation is correspondingly dubious.

<sup>162</sup> The height of the sun above the horizon, which must have been given here in some way, cannot be made out from the text. The important thing is that, as in rabbinical Judaism, the sabbath was made to begin some time before sunset — a portion of secular time is added to the holy day (Rosh ha-Shanah 9a).

<sup>163</sup> The first sentence is obscure and probably corrupt.

<sup>164</sup> The text has 'one thousand,' but below, 'two thousand' — the regular sabbath limit.

he shall not eat or drink except what was in the camp<sup>165</sup> (at the beginning of the Sabbath). . . .

A man shall not send a foreigner to attend to his business on the Sabbath day.

A man shall not follow his cattle to pasture outside his town more than two thousand cubits. He shall not raise his hand to strike them with his fist; if the beast is breachy let him not take her away from his house.

A man shall not take anything out from the house, or from outside into the house, and if he is in the entry-way<sup>166</sup> he shall not take anything out of it or bring anything into it.

He shall not open a luted vessel on the Sabbath.

He shall not carry perfumes on his person, going out or coming in on the Sabbath.

A nurse shall not carry a child out or in on the Sabbath.

A man shall not deliver cattle of their young on the Sabbath day.

And if an animal fall into a cistern or a snare he shall not lift it out on the Sabbath.

A human being that falls into a place where there is water or a place . . .,<sup>167</sup> a man shall not get him up by means of a ladder or a rope or other implement.<sup>168</sup>

A man shall not offer on the altar on the Sabbath anything but the Sabbath burnt offering, for so it is written, "Except your Sabbath offerings" (Lev. 23, 38, so interpreted).

A man shall not send to the altar a burnt offering or oblation or frankincense or wood by a man who is unclean with any of the varieties of uncleanness, (thus) authorizing him to pollute the altar; for it is written, "The

<sup>165</sup> 'Camp' is the word used for a settlement of the sect.

<sup>166</sup> מבוֹי (Talm.), a court that has houses on either side of it.

<sup>167</sup> A word seems to have fallen out of the text.

<sup>168</sup> This is so contrary to all known Jewish law that it has been conjectured that the text is here also at fault. If not, the prohibition may perhaps be of the use of mechanical means such as are specified.

sacrifice of the wicked is an abomination, but the prayer of the righteous is like an acceptable oblation" (Prov. 15, 8).

The subject of uncleanness also occupies considerable space, but is unnecessary to particularize here.

Professor Louis Ginzberg has subjected the "statutes" of this sect on these and other points to an exhaustive comparison with the regulations on the subjects in the rabbinical authorities, the result of which is to show that the two do not differ more widely than the recognized authorities differ among themselves, though, like much of the older Halakah, the sect is frequently more rigorous than the finally prevailing rule. Its affinities are throughout with the Pharisees, not with any other variety of Judaism.<sup>169</sup>

The Book of Jubilees also has precisely formulated Sabbath laws which are more rigorous than the statutes of the Covenanters of Damascus, and go beyond any other Jewish sect or school in attaching the death penalty to the transgression of any one of them.<sup>170</sup>

Whoever profanes this day, lies with his wife, or who talks of doing something on it, or of travelling on it for the sake of trade, and whoever draws water on it, which he has not prepared for himself on Friday, or who takes up anything to carry it out of his tent or his house, shall die. . . .

And anyone who does any work on it, who goes on a journey, or attends to his field, whether at home or elsewhere, or kindles a fire; and he who lades a beast, or journeys by sea in a ship, or strikes and kills anything, or kills an animal or a bird, or catches anything, whether beast or bird or fish, and one who fasts on the Sabbath, or fights — a man that does any of these things on the Sabbath day shall die.

<sup>169</sup> There are, however, two striking exceptions to this general conclusion, on which the sect laid great emphasis: they regarded marriage with a niece as incest, and they condemned polygamy.

<sup>170</sup> Jubilees 50. See Louis Finkelstein, "The Book of Jubilees and the Rabbinical Halaka," *Harvard Theological Review*, XVI (1923), pp. 45-51.

How strictly the Ḥasidim (who, unlike the sect or school represented by the writing just quoted, are in the line of normative Judaism) construed the Sabbath law in the days of Antiochus Epiphanes has already been noted. "They would not even throw a stone at them nor barricade their lurking places, saying, 'Let us all die in our innocency.'" <sup>171</sup> When the Maccabees and their following resolved that if they were attacked on a Sabbath they would fight for their lives, however, they were joined by the mass of the Ḥasidim, the emergency justifying the suspension of the law. <sup>172</sup> The statutes of the Damascus sect appear tacitly to authorize fighting in defense of life on the Sabbath, but to prohibit profaning the day for the sake of (defending) property. <sup>173</sup> The Book of Jubilees makes no exception — one who fights on the Sabbath shall be put to death.

The extra-canonical books illustrate in many other ways the existence of an unwritten law scrupulously observed by religious people. Judith, for example, breaks her voluntary fast in mourning for her husband on the Sabbath and the day before it, on the New-Moon and the day before, on the Festivals, and the joyous days of the house of Israel. <sup>174</sup> When she set out for the camp of Holophernes she took with her her own victuals, wine, and oil, in order not to have to eat the unclean food of the heathen. <sup>175</sup> Daniel and his comrades are unwilling to defile themselves with their rations of food and wine from the king's table, and persuade the chief eunuch to give them pulse to eat and water to drink, on which they thrive miraculously. <sup>176</sup> Tobit shows that the unwritten law about the burial of the neglected dead was regarded as a duty of the highest obliga-

<sup>171</sup> 1 Macc. 2, 36 f.

<sup>172</sup> See above, p. 343.

<sup>173</sup> Page 11, line 15 of Schechter's edition. Ginzberg (*op. cit.*, p. 97) quotes Tos. 'Erubin 4, 15, where the same distinction is made.

<sup>174</sup> Judith 8, 6. Cf. the prohibition of fasting on the Sabbath, Jubilees 50, 12; and perhaps the Damascus text (p. 11, l. 4), on which see Ginzberg, p. 90 f. (reading יתרעב 'יתערב').

<sup>175</sup> Judith 10, 5; 12, 1-4, 19.

<sup>176</sup> The reason for the specification of 'pulse,' is perhaps that, being dry, it did not contract uncleanness from contact with unclean hands. See M. 'Uḡṣin 3, 1; Maimonides, Hilkot Tūm'at Okelin 1, 1.



tion,<sup>177</sup> as it is in rabbinical law.<sup>178</sup> Many other instances might be cited, from which it is evident that much which we otherwise know only in the rabbinical sources of the first and second centuries after our era was custom and law in the centuries preceding our era.

For our present investigation the peculiar importance of the legal part of the book of the New Covenant in the Land of Damascus lies, not in the affinities or singularities of its legislation, but in the fact that the sect had an authoritative body of Halakah, topically arranged, and formulated with a method and a precision which manifest art and experience. In whatever particulars the teacher from whom they received it may have been at variance with the scholastic authorities in Jerusalem, he himself evidently came out of the schools of the Law. It may be confidently inferred that in those schools not only had the application of the law to the manifold cases that might arise under it already been carried far and a technical formulation been developed, but also that the rules thus defined were grouped under certain main topics; in other words, that the method of study which in later times is known by the name Mishnah was already in established use. How far this organization by subjects anticipated the specific divisions elaborated in the second century of our era there is no means of knowing; but the fact itself is of great significance in the history of normative Judaism. Nor should it be overlooked that these laws are in writing.

The recognition given by Queen Alexandra to the Pharisees doubtless augmented their already dominant influence with the great body of the people, a leadership they never lost. What part they took in the strife between her sons, Hyrcanus and Aristobulus, is not recorded. We have seen that Aristobulus was not in sympathy with her policy in letting the Pharisees have their own way in dealing with those who were ob-

<sup>177</sup> Tobit 1, 17-19; 2, 1-9. The *מִצְוָה*.

<sup>178</sup> It takes precedence even of the study of the Law, the circumcision of a son, or the offering of the paschal lamb. Megillah 3b, *et alibi*. Priests — even the high priest — and Nazirites are allowed to make themselves unclean by burying a *מִצְוָה*, Sifrè Num. § 26; cf. Sifrè Zuṭa on Num. 6, 7.

noxious to them, and pleaded the cause of the officers and friends of Jannaeus who were in fear of their lives from them. It is natural to suppose that this class supported the energetic younger son, who evidently had a good deal of his father about him, rather than his fainéant brother Hyrcanus whom Alexandra had made high priest and presumptive successor to the crown. But whether the Pharisees were any better content with the latter, especially when he let himself be managed by the Idumaeen Antipater for his own ambitious schemes, is doubtful.

Certain it is that when the two brothers appeared before Pompey in Damascus with their rival claims to the throne, "the nation" (*τὸ ἔθνος*) protested against them both: By their ancestral constitution the Jews were subject to the priests of the God they worshipped; these men, though descendants of the priests, were trying to change the form of government, so as to bring the nation into servitude. Against Aristobulus in particular more than a thousand of the most distinguished of the Jews, "whom Antipater had suborned," testified in support of Hyrcanus' accusations.<sup>179</sup> It is a plausible surmise that in the protest of the nation the voice of the Pharisees is to be heard, but there is no testimony on the point. The protest, it is not superfluous to remark, is against the royal form of government, of which the Asmonaeans had given them all the experience they wanted; not on the ground that these priests had usurped the throne of David and were no legitimate kings — an interpretation sometimes read into the passage. The supporters of Aristobulus were a lot of swaggering young men whose garb and mien made a bad impression on the Romans; the cause of Hyrcanus was in the hands of Antipater.

Pompey talked softly to them both, and postponed a decision till he should visit Judaea. The suspicious actions of Aristobulus brought him thither sooner than he had planned. The supporters of Hyrcanus let the Romans into the city; the partisans of Aristobulus occupied the temple and prepared to stand a siege. The Romans proceeded to a regular investment, in which labors they had every assistance from Hyrcanus. The

<sup>179</sup> Antt. xiv. 3, 2 § 41.

walls were finally breached and the temple taken with much slaughter not only of the defenders but of the priests, who went on unflinching with the routine of their office till their blood was mingled with that of the sacrificial victims. As a reward for his other services to the Romans and for keeping the Jews in the country from fighting on the side of Aristobulus, Pompey gave the high priesthood to Hyrcanus; the "authors of the war" he executed.<sup>180</sup>

The inland cities which the Jews in the preceding reign had subjected were separated from Judaea and put under the administration of a Roman official; those on the coast were made free cities of the province of Syria. "The nation which a little while before had been so highly exalted, he shut up in its own boundaries." The royal authority, which had been a prerogative of the high priest, was done away; the government was an aristocracy. Aristobulus and his sons, Antigonus and Alexander, made repeated unsuccessful efforts in the next quarter of a century to regain their dominion by arms. Antipater and his sons Phasaël and Herod, with their puppet Hyrcanus, were always on the Roman side, and in the vicissitudes of the civil wars managed to be always in the end on the winning side.

The restoration of Antigonus, son of Aristobulus, by the aid of the Parthians, which drove Herod out of the country and sent him as a suppliant to Rome, proved to be the making of his fortune, for the Senate, at the instance of Mark Antony supported by Octavian, made Herod king, and promised him aid to get possession of his kingdom. Three years elapsed, however, before Jerusalem itself, after a protracted siege ending with the storming of the temple, fell into the hands of the allied forces of the Romans under Sosius and of Herod. Antigonus surrendered himself to the Romans, and shortly after, at Herod's instance, was decapitated by Antony's orders in Antioch.

The sentiment of loyalty to the Asmonaeon house, from which had sprung their rulers for a century and a quarter, and with which were connected the memories of the wars of liberation and of conquest that seemed to bring back the glorious times of the old monarchy, was very strong among the people. As

<sup>180</sup> Josephus, *Antt.* xiv. 4.

often as Aristobulus or his sons raised the standard of revolt they found a following waiting for them. When the Parthians released Hyrcanus, whom they had carried off as a prisoner, and allowed him to go to Babylonia, the Jews in the whole region east of the Euphrates treated him with the honor due to a high priest and king, and urged him to remain with them and not return to Jerusalem where he could expect no such recognition.<sup>181</sup> The obstinate resistance of the Palestinian Jews to Herod was to a king imposed on them by the Romans — a king who was not only not of the blood royal, but not even of the Jewish race. Antony caused Antigonus to be beheaded — the first time the Romans had inflicted such ignominy on a king — because he was convinced that in no other way could the Jews be brought to acknowledge Herod; they held their former king in such esteem that not even tortures could force them to give Herod that title.<sup>182</sup> One of Herod's first measures when he had taken Jerusalem was to put to death forty-five prominent men of the party of Antigonus and confiscate their property, and to punish many others, while he promoted men of private station who had been well-disposed to himself. He especially honored the two leading Pharisees, Pollio and Sameas, because when he besieged Jerusalem they counselled their fellow-citizens to surrender the city.<sup>183</sup> Sameas, we are told, had an additional claim on his favor, because, when Herod had been summoned before the Sanhedrin by Hyrcanus for executing the brigands in Galilee without a trial, and that body let itself be intimidated by Herod's defiant mien, he had foretold that if they let Herod off he would be the undoing of them all <sup>184</sup> — a prediction which he fulfilled to the letter.

That Herod had his well-wishers in the city during the siege was perhaps due to the influence of the Pharisees.<sup>185</sup> Why the

<sup>181</sup> Josephus, Antt. xv. 2, 2.

<sup>182</sup> Strabo, quoted in Josephus, Antt. xv. 1, 2 §§ 9 f.

<sup>183</sup> Josephus, Antt. xv. 1, 1. Pollio is generally identified with the Abtalion of the rabbinical sources; "Sameas, his disciple" would be Shammai, the colleague of Hillel, but what is said of Sameas in the immediate sequel applies rather to Shemaiah the colleague of Abtalion.

<sup>184</sup> Cf. *ibid.*, xiv. 9, 4 § 176.

<sup>185</sup> The Jewish contingent in his army took part with great zeal in the slaughter when the temple was stormed. Josephus, Antt. xiv. 16, 2 § 479.



leaders of that party took this position is not explained. The unconditional patriotism whose motto is "My country, right or wrong" has never been characteristic of parties to which right is above country, pure religion above loyalty to the state or its rulers for the time being. The attitude of the Ḥasidim in the Maccabaeen insurrection and of the Pharisees through all their history is in this respect consistent. In the particular case it may well be imagined that such men were alienated from Antigonus because to rid himself of a possible rival <sup>186</sup> he cropped the ears of his uncle Hyrcanus, by this mutilation disqualifying him for the high priesthood; and they may have seen in Herod the instrument of God's vengeance on so barbarous a crime committed on the sacred person of His high priest.

From the Jewish aristocracy Herod had nothing to expect. His double alliance with the Asmonaeen house through his marriage with Mariamne <sup>187</sup> did not legitimate the Idumaeen parvenu in their eyes, and his hand in the death of Antigonus, and later of the aged Hyrcanus himself, made reconciliation with the partisans of either branch impossible. Alexandra's ambition was to have her son Aristobulus (III) made high priest in succession to his grandfather Hyrcanus; Herod's interest, after he had been made king by the Romans, was to let no Asmonaeen fill that office with its traditions of royalty. When, acting on this policy, he installed a Babylonian Jew named Ananel, of priestly lineage but unrelated to the aristocratic priesthood of Jerusalem, <sup>188</sup> Alexandra secretly besought Cleo-

<sup>186</sup> "He feared that the populace might restore the kingdom to him." Josephus, *Bell. Jud.* i. 18, 2 §§ 351 f.; *Antt.* xiv. 13, 10 § 366.

<sup>187</sup> Her father Alexander was the eldest son of Aristobulus II; her mother, Alexandra, a daughter of Hyrcanus. It is a probable surmise that the initiative in this alliance came from the girl's mother or from Hyrcanus himself. — Mariamne was apparently very young when she was betrothed to Herod (perhaps as early as the year 42). In his flight from Jerusalem before the Parthians (40) he carried off to security in the fortress of Masada, with his own kindred, Alexandra and her daughter. The marriage itself was celebrated at Samaria in 37, on the eve of his siege of Jerusalem. Josephus, *Bell. Jud.* xiv. 15, 14 § 467.

<sup>188</sup> Josephus, *Antt.* xv. 2, 4 § 22 (cf. 3, 1 § 39 f.). In *M. Parah* 3, 5 Hananael is called an Egyptian. The Boethus family, which furnished at least four high priests, came from Alexandria (*Antt.* xv. 9, 3 § 320). What the religious Jews thought of these priests may be read in *Pesahim* 57a; *Tos. Menahot* 13, 21.

patra to use her influence over Antony to have him make Herod give the high priesthood to Aristobulus. The intrigue was no secret to Herod; but he yielded to the importunity of Mariamne in behalf of her brother, deprived Ananel, and made Aristobulus high priest in his place, though he was still a youth in his teens. The discovery of a fresh intrigue of Alexandra with Cleopatra, and a demonstration by the people at the Feast of Tabernacles of their attachment to Aristobulus and the memory of his fathers, made plain to Herod that he had not made peace in his family by his concession but had given a figurehead if not a rallying point to the old loyalties, and he lost no time in arranging a drowning accident at Jericho, followed by a magnificent funeral by which the youth's kindred and friends were not deceived. Ananel was restored to the high priesthood, and thenceforward Herod made and unmade high priests as it pleased him, but raised none to that rank who had any other claim to it than that they were his creatures.

By war and proscriptions the upper classes, among whom the Sadducees were numerous, had been reduced to insignificance. Herod exerted himself, on the other hand, to put the mass of the people under obligation to him by remission of taxes in bad years and in a time of famine by distribution of grain which he imported from Egypt, and by using his influence with the Roman authorities to gain exemptions and privileges for the Jews in foreign parts, particularly in Asia Minor and the Greek islands. The rebuilding of the temple in fabulous splendor gratified the passion for such works which he had indulged in many other cities, but it was doubtless meant also to display himself to his subjects as a munificent patron of religion. In this endeavor to win the loyalty of the common people he had every reason to keep on good terms with the Pharisees, and even when they refused to take the oath of allegiance he demanded, he was politic enough to let it pass and to exempt the Essenes also from the requirement.

The Pharisees on their side did not meddle in politics nor incite the people against Herod, however odious to them his character and conduct were. They were not a dynastic or nationalist party, and were content with the freedom they en-

joyed to pursue their religious studies and practices, and to labor with their countrymen for a better observance of the divine law. With this harmless employment of the intellect of the nation Herod was doubtless well pleased, and he had no motive for interfering with their regulations and ordinances. When it came to laws for the kingdom, he made them himself as occasion required, without concern for the ancient legislation, as when in his zeal to suppress crime he enacted a law that house-breakers should be deported from his kingdom — a punishment, as Josephus remarks, unheard of in Jewish law, and very unpleasant for the burglars.<sup>189</sup>

With the reign of Herod coincides roughly the activity of the last of the "pairs," Shammai and Hillel, and the beginning of the Tannaite school tradition. Shammai was a native Judaeen, while Hillel came from Babylonia to Jerusalem when already a mature man. There were schools of the Law in Babylonia, as in other centres of Jewish population, and it is presumed that Hillel had been a student in his own country<sup>190</sup> before he migrated to Jerusalem to sit under the most eminent teachers and expositors of the time, Shemaiah and Abtalion.<sup>191</sup> The name of Hillel is associated with certain hermeneutic norms for juristic deduction and analogy which are called Hillel's Seven Rules.<sup>192</sup> They are obvious principles of interpretation for a divinely revealed law every word of which was significant and authoritative, and had doubtless been thus applied instinctively in appropriate instances by scholars before his time; but with Hillel they became a method, and the seven are in intention an exhaustive enumeration of the ways in which logically valid conclusions in the juristic field are derivable from the words of the written Law.

It is a surmise for which some probability may be claimed that, in germ at least, this method came from the Babylonian

<sup>189</sup> Antt. xvi. 1, 1.

<sup>190</sup> Jer. Pesahim 33a, below, specifies three problems which he had solved and proved before he went up to Palestine.

<sup>191</sup> The story of the privations and hardships he overcame in the pursuit of learning is told in a Baraita (Yoma 35b) to show that poverty is no excuse for neglecting the study of the Law.

<sup>192</sup> *Middot*. They are found in Tos. Sanhedrin 7, 11.

schools. In Jerusalem the doctors of the Law sat at the fountain head of tradition and were able to draw directly upon that source for answer to the questions that arose in practice or in discussion. In remoter lands this appeal to tradition must often have been unavailable, and the necessity of arriving at an authoritative conclusion from the biblical text itself have been correspondingly more strongly felt.<sup>193</sup>

However this may be, an old Baraita instructively illustrates the attitude of thick and thin traditioners toward Hillel's method and their low opinion of Babylonian scholarship. The Elders of Bathyra<sup>194</sup> did not know whether, in case the fourteenth of Nisan fell on a Sabbath, the slaughter and preparation of the Paschal victims was an obligation superior to the sabbatical prohibition of labor. Hillel was recommended to them as a disciple of Shemaiah and Abtalion who might know the tradition on the point. Instead of the tradition they asked, however, he undertook to demonstrate to them by three distinct arguments that the Passover took precedence of the Sabbath. They contemptuously exclaimed, "How could we expect anything of a Babylonian," and proceeded to pick his reasoning to pieces. Though he sat and argued to them all day,<sup>195</sup> they did not accept his conclusion, until he said to them, "Thus I heard it from Shemaiah and Abtalion." As soon as he fell back from reason to tradition they rose from their seats and elected him their president (*nasi*). He requited them for their previous disrespect with reproaches: If they had used their opportunities for study under the two great scholars who taught in their own country, they would have had no need to call in a Babylonian.<sup>196</sup>

<sup>193</sup> The same difference, as is well known, existed in Moslem jurisprudence between the traditional school of Medina and the jurists in other lands who gave larger scope to logical deductions and analogical inferences (*kıyyās*).

<sup>194</sup> The name בתיירה is usually thus transliterated on the supposition that it is the place *Bathura* in Batanea where Herod established a small garrison colony of Babylonian Jews. Josephus, Antt. xvii. 2, 1 f.

<sup>195</sup> In this long debate he had opportunity to exemplify the rest of his rules, which are introduced as "the seven norms that Hillel expounded in the presence of the elders of Bathyra." See note 190 above, and Sifra, Introduction, end; ed. Weiss f. 3a.

<sup>196</sup> Jer. Pesahim 33a; Pesahim 66a. On the humility of the Bene Bathyra, see Baba Mesi'a 84b-85a.



Many anecdotes about Shammai and Hillel illustrate the contrasted temperaments of the two men, and set the rigorously of the one over against the humanity of the other. In the interpretation and application of the laws Shammai was nearly always more stringent than Hillel, and that not merely from a harsher disposition but in consequence of his traditional principle. It has been remarked above that what has been called the old Halakah, whether exemplified in the schools or the sects, was in general stricter than that which eventually prevailed. In this sphere Shammai was conservative of the letter of tradition and developed its consequences in the same spirit.

Hillel came from another environment. In Babylonia a large part of the legislation, including the ritual of the temple and the taxes for the support of the clergy, and the laws dealing with agriculture which were not in force "outside the Land," had only an academic interest, and the traditions on these matters were not binding rules of practical observance, as the Palestinian teachers endeavored to make them. It was natural under these circumstances that the unwritten law should be more largely deduced from the text itself, interpreted by certain exegetical principles.

When he came to be the head of a school in Jerusalem, Hillel recognized that the laws must take account of actual conditions. The septennial cancellation of debts, for example, might have been a benevolent institution in the society for which the law was framed, but in his time it worked great hardship to the necessitous borrower, who in the later years of the period could get no accommodation. To remedy this evil he devised the "Prosbul," which left every letter of the law unchanged, but by an ingenious legal fiction made it a dead letter.

More important than such striking adaptations of the law to circumstances was eventually the application of his hermeneutic principles to establish the harmony between tradition and Scripture. It may be conjectured that at least one potent motive of this endeavor was to silence the Sadducees with their contention that tradition is devoid of authority — only Scripture is law — by proving from Scripture that what is explicit in tradition is implicit in Scripture. From particular in-

stances the schools went on to a consecutive juristic exegesis of the legislative parts of the Pentateuch, the Tannaite Midrash, and by the results amplified the unwritten law. To this phase of the work of the schools, especially in the second century, we shall have occasion to recur further on.

Whatever may have been the relation between the members of the preceding Pairs, there is no intimation that they were the heads of rival schools.<sup>197</sup> Shammai and Hillel, however, represent such different tendencies that a division of this kind among their disciples was inevitable. It perpetuated itself after the death of the two masters, and the school differences between the "House of Shammai" and the "House of Hillel" fill a large room in what is recorded of Jewish tradition from about the beginning of the Christian era to the war of 66-72. It is a testimonial to the sense and spirit of Judaism that the principles and methods of Hillel prevailed over the narrower literalism and traditionalism of the school of Shammai, and this outcome of the controversy decided that normative Judaism, with all its fidelity to the inheritance of the past, should have the power to adapt itself to the changing present, an ability which was of the utmost importance to it in the generations that followed the destruction of Jerusalem, lived through the war under Hadrian, and revived the schools of the Law.

The dissidence of these two schools may be regarded as an inner crisis in the history of Pharisaism, from which the more progressive tendency emerged superior. Hillel, of all the rabbis, is the most familiar name to most Christians. He owes this reputation to the anecdotes which illustrate his genial temper and to the fine religious and moral aphorisms that are quoted from him; but his great significance in the history of Judaism lies not so much in these things as in the new impulse and direction he gave to the study of the Law, the new spirit he infused into Pharisaism.

Under the procurators the Jews had larger room to manage their own affairs in their own way than under Herod. The Roman administration had need of a representative and responsible intermediary between it and the people, and found

<sup>197</sup> See above, p. 327.

such an organ in the Council,<sup>198</sup> or Sanhedrin, which under Herod's autocratic rule had probably cut a very small figure. In this body, under the presidency of the high priest, besides the heads of the great priestly families, lay elders, men of rank and authority,<sup>199</sup> had seats; among both, probably, there were legal experts, Scribes. The upper priesthood was prevailingly Sadducean; among the others the Pharisaean party was represented.<sup>200</sup>

In religious matters the Romans did not interfere at all. Sacrifices for the emperor were regularly offered in the temple according to the Jewish rite; but, except for the project of Caligula to install an image of himself in the temple and an occasional *faux pas* of a procurator, the peculiarities of the Jews were respected. Cases between Jew and Jew were left to the adjudication of their own tribunals, from the village judges up to the high court, the great Sanhedrin in Jerusalem.<sup>201</sup>

Knowledge of the Law was in these circumstances not a matter of religious duty or of mere learned interest, but of practical concern, and the influence of those who were proficient in it was very great. The Sadducees, who, as in earlier times, were to be found chiefly among the well-to-do, did not incline to these studies, and the power of the Pharisees grew accordingly. It even went so far that, with the people behind them, they made the priests in the temple abandon their traditional practice in favor of the exegesis of the ritual laws evolved by the learned in the schools. An echo of some of these conflicts is heard in reports of the controversial differences between Sadducees and Pharisees in later generations, when, with the cessation of the cultus, the issues had no practical consequences.

In the commotions which grew into the rebellion under Nero the most eminent of the Pharisees joined the high priests and the influential men of the city in futile efforts to restrain the people from plunging headlong into war and ruin. After the

<sup>198</sup> In Josephus usually βουλή.

<sup>199</sup> δυνατοί.

<sup>200</sup> The composition of the Council, or Senate as it had earlier been called, and the mode of election to it are nowhere described in our sources.

<sup>201</sup> The nearest modern analogy is the status of the several so-called 'national' churches, *millet* (e.g. the Armenians), in the former Turkish empire.

failure of Cestius Gallus' attempt to take Jerusalem by assault, and his retirement, which pursuit turned into precipitate flight, when there was no more hope of peace, the more reasonable tried to keep the control of affairs in their own hands, making the high priest Ananus and Joseph ben Gorion governors of the city, and appointing military commanders for the several districts to make preparation for the impending war.<sup>202</sup> With the young hot-heads in the city they might have held their own, but between the zealots and the Idumaeans and the bandit following of Simon bar Giora and his imitators their case was desperate.

It is related that in the midst of the internecine strife within the walls in which the Jews were destroying themselves while the Romans looked on, Rabban Johanan ben Zakkai made his escape from the city to the Roman camp, and (in one form of the story) obtained from the commander permission to settle in Jamnia and establish there a school, in which thus, even before the final catastrophe, the study of the Law had found refuge in a new seat from which the restoration was to proceed.<sup>203</sup> What is certain is that at Jamnia (Jabneh) <sup>204</sup> under the lead of Johanan ben Zakkai in the years immediately following the destruction of Jerusalem the work of conservation and adaptation was accomplished with such wisdom that Judaism was not only tided over the crisis but entered upon a century of progress which it may well count among the most notable chapters in its history.

In the succession of teachers Johanan ben Zakkai is said to have received the tradition from Shammai and Hillel, and there is a story that Hillel, when his disciples gathered around his sick bed, declared Johanan, the youngest of them all, to be the greatest, "father of wisdom and father of future generations."<sup>205</sup>

<sup>202</sup> It is a probable view that these measures were taken by the Sanhedrin, which was the only authority left in the city. In support of this opinion it may be noted that the generals appointed seem all to have been members of the priestly aristocracy like Josephus who was sent to organize the defense of Galilee.

<sup>203</sup> Lam. R. on Lam. 1, 5; Abot de-R. Nathan c. 4; Gitṭin 56a-b.

<sup>204</sup> On the coastal plain a little north of the parallel of Jerusalem, in a region which had been spared the devastation of war.

<sup>205</sup> Jer. Nedarim 39b.



Unless we could stretch our imagination to allotting to each of them, like Moses, a hundred and twenty years of life, as in the rabbinical scheme, there is some difficulty in supposing that Johanan was an immediate pupil of Hillel, but that in a larger sense he deserves to rank as the greatest of his disciples may be freely admitted. Before the war he was a man of importance in Jerusalem, and his teaching attracted many students, some of whom were themselves scholars of renown before the migration to Jamnia.<sup>206</sup> It seems that they accompanied him thither or soon followed him. Other scholars and students doubtless resorted, after the fall of the city, to the new seat of learning, and teachers soon established themselves in neighboring places.

The re-opening of the schools was not, however, the only contribution of Johanan to the restoration of Judaism. There was urgent need of a body competent to determine matters of the utmost importance to all Jews, foremost among which was the fixing of the calendar with the correct dates of all the festivals and fasts, for which the law prescribed days certain as of the essence of the observance. This had hitherto been done by the authority of the high priests in Jerusalem, who, we may imagine, committed the business to a priestly college of experts. All this had come to an end, and it was necessary to create a substitute for it.

There were innumerable other questions arising from the cessation of the temple worship — take for a single illustration the purifications which required a private sacrifice. Here there was neither precedent nor tradition, and to leave the decision, *pro re nata*, to the individual opinion of the rabbis consulted would have given rise to confusion of practice and perplexity of conscience. The doctors of the law in Jamnia and its vicinity, under the lead of Johanan ben Zakkai, formed themselves into a council, which assumed some of the functions of the Great Sanhedrin in Jerusalem, and, it may be supposed, reproduced its forms so far as the new conditions permitted.

But, however it may have regarded itself as in some sense

<sup>206</sup> Five are particularly named, with the master's laudatory but discriminating estimate of them, in Abot 2, 8.

a successor to the Sanhedrin, the Great Bet Din <sup>207</sup> at Jamnia was a very different body from its predecessor. The Sanhedrin, under the procurators, was a national council, having recognized political powers and responsibilities. At its head was the high priest, and the aristocracy of the priesthood constituted a large part of its membership. The lay notables were closely allied to them, and shared their Sadducean leanings. In the Sanhedrin the Sadducees were therefore, to the end, a strong, if not the predominating party. Johanan ben Zakkai was a leader of the Pharisees, and anecdotes about him laid in the time before the war tell with satisfaction how he worsted the Sadducees in controversy, and even thwarted a high priest who was going to burn the red heifer according to Sadducean rule and precedent. His disciples and colleagues were from the same party, and his rabbinical council was a purely Pharisaean body. It was the definitive triumph of Pharisaism.

The two tendencies in Pharisaism represented by the Shamaites and the Hillelites respectively persisted, but though the dissensions were frequently sharp, no imputations of heresy were exchanged between them. The influence of Johanan ben Zakkai and his disciples contributed much to the ultimate predominance of the Hillelites. The outcome is recorded in legendary form. A voice from heaven (*bat kol*) was heard (at Jabneh), saying, The teachings of both Hillel and Shammai are words of the Living God, but in practice Hillel's rule is to be followed.<sup>208</sup>

The classes to which the Sadducees chiefly belonged had been reduced to insignificance by the war. Many had lost their lives in the war or by the daggers of assassins, others had been executed by the Romans or carried into slavery. In the new order of things the Sadducees lost the extrinsic importance which the high station of their adherents had given them, and subsided into a sect which, besides preserving memories of controversies the subject of which had ceased to exist, and making itself disagreeable by cavilling at specific rules or dicta of the Pharisees, had for its differential doctrine the rejection of the whole Pharisaean eschatology. The Pharisees made a dogma

<sup>207</sup> "High Court."

<sup>208</sup> Jer. Berakot 3b, end; 'Erubin 13b.

of the resurrection of the dead, and thus the Sadducees became heretics: The Israelite who denies that the resurrection is revealed in the Torah has no lot in the World to Come.

Before the death of Johanan ben Zakkai, Gamaliel (II) <sup>209</sup> succeeded him, with the title Nasi, which Greek and Latin writers render "Patriarch," but for which we might use "President." <sup>210</sup> His great endeavor was to secure the recognition of all Jewry for the Bet Din at Jamnia and submission to its authority. His colleagues thought him too arbitrary in asserting his own pre-eminence, and he was for a time deprived of the presidency of the academy (Yeshibah). It was probably in his time that the long-standing strife between the schools of Shammai and Hillel was terminated by a general decision in favor of the latter, and the grave evil of conflicting observances, with the possibility of schism about them, overcome. <sup>211</sup>

The controversy between the two schools over the question whether Ecclesiastes and the Song of Songs were holy scripture was decided by a majority vote in favor of both of them, following the opinion of the school of Hillel. Another decision concerning what we call the canon of Scripture was that the Book of Ben Sira (Ecclesiasticus) was not sacred scripture, nor any other books written from his time on. The passages in the Tosefta which report this decision name specifically "the gospel" (*euangelion*) and the books of the sectarians (or heretics), among which, in the context, it is fair to presume that Christian writings are at least included.

Under Gamaliel's direction the "Eighteen Prayers" <sup>212</sup> were arranged and revised, and a commination of heretics, particularly of the Nazarenes, introduced.

<sup>209</sup> Called Gamaliel of Jabneh to distinguish him from his grandfather of the same name.

<sup>210</sup> "Nasi" is in Ezekiel 40 ff. the title of the civil head of the Jewish people, and the Patriarch was recognized as such by the Roman government.

<sup>211</sup> See above, p. 328.

<sup>212</sup> Shemoneh 'Esreh, Tefillah.





# THEISM AND LAWS OF NATURE

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EVER since it became necessary for religious belief to adjust itself to the views established by natural science concerning the structure of the world and the course of Nature, the actuality of a reign of law throughout Nature, or at least through broad tracts of phenomena, has been one of the most important scientific generalizations of which theology has been obliged to take account. And inasmuch as progress in philosophical knowledge concerning both the structure of science and the grounds of theistic belief cannot but cause some change in the mode of adjustment of the scientific and the theological interpretations of the world, it follows that each generation needs to find, to some extent, a new formulation of its answer to questions which science inevitably raises for the theologian. Among such questions are these: Is the actuality of a reign of law compatible with divine government? And if so, how is the relation of law, or of law-abiding things, to God, to be conceived, for *prima facie* several alternatives would seem to be open. And further, compatibility being granted, is it possible for theology to advance to an argument that in Nature's regularity we may see ground for theistic rather than for any form of non-theistic belief, or to such "proof" as theology can reasonably allege for its fundamental dogma? Such are the questions with which the present essay will deal. But before these theological issues can profitably be discussed, it is necessary to determine what shall be understood by terms such as law, Nature, and reign of law; or in what sense, and within what limits, it is warrantable to speak of law as obtaining of Nature. This preliminary and prerequisite inquiry, then, shall first be prosecuted.

The two chief meanings which the phrase 'law of Nature' has borne in philosophy and natural science may be distinguished as the rationalistic and the empirical. In the former of these

senses, the essential idea of law is that of *necessary* connection. Laws of Nature were supposed by Spinoza, by the English deists, and even by some who in the nineteenth century professed to speak in the name of physical science, to be inviolable as laws of thought. There was an order and connection of things either identical with or corresponding to the order and connection of ideas; and the connection between things or percepts was generally spoken of as if it were a kind of implication — such as can only subsist between concepts or propositions. The system of natural laws was an expression of the divine self-consistency, so that the very anthropic quality of unbending obstinacy was attributed to God in order to get rid of the anthropomorphic ascription to him of arbitrariness; or else it was a system prior not only to things but to God himself, which it behoved Him to comply with. From this presupposition of deism it would seem necessarily to follow that the world is as much a mere machine as the materialist could wish, and that divine providence and divine immanence are impossibilities.

Hume disposed for ever of this conception of law, by showing that necessary connection could never be matter of observation, that no single brute fact could ever be extracted from necessary laws of pure thought, and that there was no necessity about pure thought, having any validity with reference to actual happenings.

The old rationalistic belief, however, died hard. Kant assumed that there was necessary and unconditional knowledge in physical science, as in mathematics. Hume had waked him too soon, and he slumbered again. Even Hume himself lapsed in the same way, in his essay on miracles; while his unwary disciple, J. S. Mill, afterward strove hard to swell out inductive science into necessary truth, and to identify unvarying sequence with invariable connection. Indeed we still hear of the antithesis between the contingent and the necessary in Nature, and of the scientific hope that every fact which appears as yet to be but contingent will prove eventually to have its place in a thoroughly deterministic scheme. It may be worth while to clear up this issue, now that it has emerged.

The universal of law, in the sense of that word which is as yet under consideration, is wider than the universal of fact, as established by simple enumeration or, more tentatively, by problematic induction. The universal of fact, empirically obtained, asserts that "*every* substantive, characterizable as  $pq$ , is  $q$  if it is  $p$ "; the universal of law, however, asserts that *any*  $pq$  would be  $q$  if  $p$ , and so extends beyond the sphere of actual, up-to-date experience to all possible experience. And the reign of necessary law implies that though a fact describable as a  $pqr$  which is an  $x$ , may represent a contingency, so that there is left room for the turning up of a  $pqr$  which is not an  $x$ , yet this same fact, it is claimed, when adequately described — say, as  $pqruvw$ , will be seen necessarily to be an  $x$ . The latter assertion involves knowledge that the property  $x$  is ontologically dependent on a finite and enumerable set of characters  $pqruvw$ ; and the difficulty about it is that it does not admit of demonstration. Till it does, there can be no talk of necessitation in Nature, or of necessary reign of law.

Important work has been done of late years in connection with the inductive principle, and the old vague principle of uniformity. Johnson, Broad, and Keynes have more or less independently made it plain that all scientific induction presupposes a few specific and definite assertions as to the ultimate constitution of the physical order, which are quite indemonstrable. Kant's notion that in Newtonian physics there lay to hand a system of *a priori* and necessary knowledge of the actual, has been shown by inductive logicians to be quite untenable.

Taking the notion of Law as a self-subsistent *prius* to be now obsolete, we may pass on to consider another conception of law, met with in the literature of modern science, which also seems to imply necessity, though refusing explicitly to ground that necessity either in God or in the natures of things and causation. It is the notion involved in the conception of a deterministic system, as applied to the universe. Determination, it is represented, may be broader than causation (efficient or transeunt). All phenomena may be according to law, or be determined, not in virtue of the exclusively *vis a tergo* relation denoted by causality between isolable parts (which alone makes

*prediction* possible), but in virtue of continuous process throughout the system as a whole, future states included. The concept of cause being of late regarded as under a cloud, some natural philosophers would retain necessitation while avoiding calling it causal; and the device by which this has been made possible has the additional attractiveness of ministering to their teleophobia. But here, as in all other cases, necessary truth is purchased at the cost of irrelevance to actuality. In a deterministic system, one of the neat creations of the mathematician, the complete states at given times, i.e. the positions, motions, and mutual relations between the ideal bodies, have to be knowable and also correlatable with finite numbers, i.e. measurable. Unfortunately there are many perceptual qualities, not to speak of the psychical ingredients of the cosmos, which are not correlable with numbers. The world which empirical science investigates is, therefore, not a deterministic system; nor do we know that it is finite; nor that its parts are so rigorously isolated as, for scientific procedure, we needs must conceive them as being. Moreover if it were such a system, there should be no difference within it between the relations of past to future and future to past; whereas unless there were, there would be no science, if science be characterized partly by its predictiveness, and its world by obstinate irreversibility. All we know is that there are certain relatively narrow tracts of our world that have been found sufficiently representable by certain deterministic schemes (such as atomism) for certain strictly departmental purposes. That the world as a whole is a deterministic system, in this sense, or is even conceivable as one, is refuted by facts.

As against all such attempts to take the kingdom of actuality by violence, to deanthropomorphize our thought by defecating it to the pure transparency of mathematical abstractions that have no saving touch with the world as concretely presented, we may welcome the endeavor of Mr. Johnson, contained in the recently issued third volume of his important treatise on logic, to set the categories of substance and cause on their legs again. This philosopher has submitted arguments, apparently irrefutable, for the view that the concept



of determination, as applied to the world, necessarily presupposes that irreducible residuum of the old category of substance which he would denote by the word 'continuant,' and for the further view that substance and cause are not two categories but one. The desperate attempts that have been made of late to eliminate both of these categories from natural philosophy, he shows, involve the assumption of a psychical continuant, in the form of a percipient, in order to demolish the physical continuant, and the assumption of a physical continuant (the nervous system) in order to make away with the psychic continuant or abiding percipient. In other words, the concept of the continuant or causal-substance is not eliminable from science or philosophy; and there can be no laws of the concomitance and sequence of perceptual things that are not laws of either immanent or transeunt causality.

I consider myself so far to have established the conclusion that a reign of law in Nature, in the stricter sense of a system of necessary connections, is an ideal and a postulate of human fabrication, having neither self-evidence, nor logical *a priority*, nor empirical demonstrability. It need not worry the theologian, because it is convicted of being an outlived obsession, an inheritance from deceased rationalism, a ghost which has been laid by empiricism and by science such as knows its own nature and minds its own business.

I pass on, therefore, to deal with the other chief connotation of law: with law as it is understood by inductive science of today. There are different shades of meaning included within this type of connotation, and for clearness' sake, I will select for discussion that which marks the furthest limit of the swing of the pendulum from the old rationalistic usage of the word. Laws, we are now told by representatives of natural science, are not prescriptions, but descriptions of similarities, etc. As to their form, they are tentative and replaceable as knowledge grows. Some enunciations which have passed for laws have proved to be false descriptions, broken laws. Hence the repudiation, nowadays, of the notion of laws as inviolable, universal, unconditional. Laws are descriptions up to date, and no further. Description, moreover, asserts only *how*, not *why*;

and 'how' means 'like what.' Thus spoke Kirchhoff, Mach, Pearson, Poynting; and thus still speak a group of natural philosophers which I may briefly designate as the Descriptionist School. This school eschews the concept of cause as a fetish, or at least as a bit of obscure metaphysic with which science can dispense to its own gain in clarity; it renounces the notion that science explains phenomena or accounts *for* them, and holds that science's proper business is merely to give accounts *of* them. In its extremer representatives this school becomes subjectivist: the only reason in Nature is man's reason, and the only order that which he reads into it. Atoms, electrons, ether, etc., are generally held by these thinkers to be purely ideal, conceptual scaffolding, which possesses no value but economy of thought and suggestiveness of experiment.

It will be obvious that if we adopt this view of science and its laws, we make a complete break not only with the physical realism which sees in electrons and ether the noumenal or metaphysical realities of which perceptual phenomena are mind-made appearances, but also with the whole conception of a necessary and inviolable reign of law. An end is put to mechanistic naturalism as so much mythology. It is small wonder that natural theologians have welcomed this change of front in natural philosophy, which set in about the time when Huxley, for other reasons, was relaxing for us the grip of Nature's cast-iron necessity and was himself hovering on the brink of spiritualism and idealism. And in seeing in this change of attitude the passing of atheistic naturalism, theologians have doubtless been justified. But I would venture to demur to the tenets of the Descriptionist School in so far as they are concerned with the notion of laws of Nature, and to advise the theologians not to be overhasty in accepting what looks like a blessing from science.

The descriptionist theory, whatever element of truth it may contain, seems to me inadequate. I do not see how, without being faithless to it on occasion, its maintainers can account for the success of scientific method, especially in respect of science's conditional, yet actual, predictiveness. According to its own account of itself, the theory leaves no ground, no stable

nexus, in virtue of which alone predictiveness is possible. It is perfectly legitimate for science to say, 'I disregard the existence of such a ground or nexus, as not my business'; it is another thing to deny or to imply that it is not there. Again, I would reject the fundamental assertion that science merely 'describes,' in its particular laws; for such description as a law gives is at once something more, and something less, than what can with propriety be termed 'description.' It is something less, because it is selective and inexhaustive, contenting itself with some aspects and ignoring others that are equally there; and it is something more, in that, in making prediction possible, it tacitly presupposes some sort of correspondence or accord between the mind-made concepts employed and actually subsisting relations entirely independent of our thinking. Science's 'reading in' is also, in some sense, 'reading off,' else there could be no such thing as science. Science seems to be more penetrating than, according to the descriptionist theory, it would be. I would further dispute the dicta that description merely states 'how' things happen, and that 'how' merely means 'like what.' It means that, but it means much more also: viz. by issuing out of so and so, and by issuing, after a definite time-interval, in so and so. The word 'cause' is expelled from the descriptionists' vocabulary; the concept of cause is all the time indispensable for his thinking, disguise it how he may.

If I may now sift what I take to be truth from what I take to be error in the account of law put forth by the descriptionist and ultra-empirical school, I would submit that laws contain a man-made conceptual element, an element of analogizing, of the 'as if,' of assimilation to the familiar or to the most easily understood; an element which is replaceable as knowledge grows, and is of the nature of scaffolding or temporary bridging; while on the other hand the very discovery and practical serviceableness of laws points to a stable nexus, a causal order, a net-work of relations between impressional data that enters just as much as those impressions themselves into the structure of external reality, so that laws do actually obtain at least through certain tracts of the universe, and that, whatever may

be or will be, Nature has, as a matter of fact, been found for a certain period of time to be characterized by regularity or law-abidingness. And this is the element of fact with which natural theology is confronted.

Our last preliminary inquiry is now prepared for. What are we to mean by Nature, when we speak of laws of Nature? What, in other words, are the things of which our discovered laws obtain? It may be that here we raise a question that is of little interest to science as such, but is of importance to philosophy and theology.

It is commonly stated that the entities of which laws of Nature are laws, are percepts: science predicates conceptual relations and ideas of the perceptual world. In the first instance, or before analysis, they are the 'things' of common-sense parlance. I would emphasize that if these be called percepts, we must recognize a vast difference between them and the immediate, and impressional, objects of individual experience, science's primary 'reality.' The latter, indeed, are not pure percepts, if percept and concept are to be sharply contrasted. But common things are much more largely conceptual than even these: who, for instance, ever perceived the other side of the moon? And the scientific objects of science, as distinguished from the less defined objects of common sense, become increasingly conceptual till the last residuum of the perceptible is strained out of them. We are not now concerned with this rarer portion of science's atmosphere, nor with the question, 'Is not fiction which makes fact, fact too?' but only with things which we can see and handle; and of these we can say that, in order that there may be laws as to their coexistence and sequence, they must be sufficiently abstract — or deprived of part of their concrete fullness of particular — to be what is called 'repeatable.' Features of the primary reality, in other words, are dropped out of account as, from science's point of view, irrelevant. Our perceptual continuum, then, in order to be manageable, is partitioned into partly conceptual things. *Natura non nisi dividendo vincitur.* But is Nature, when so divided into things, or supposedly isolated systems, according to the requirements of our human time-span and the de-



mands of the particular sense or senses that in the human organism happen to be most highly developed, the very same Nature as before we vivisected her? As science proceeds from the macrobian to the microbial level, resolving what at first was one thing into many things, does she describe or formulate laws about Nature as the primarily real and purely objective *datum*, or about a skeleton of Nature, a humanly constructed diagram of Nature, partly fictitious and yet, like a diagram, having some sort of relation to the concrete reality? And if science must needs take as the more essential aspects of the physical world the primary qualities which yield identities and are subservient to numbering, calculation, and the demands of scientific rationality, does it follow that these represent the most significant utterances of reality? I have raised these questions not in order to thresh them out, but only with a view to hinting that were the reign of law or regularity more pervading than present knowledge is justified in asserting it to be, the law-abidingness of things is but a part, and possibly not the philosophically most important or significant part, of the whole truth about Nature; and further, that in so far as the 'things,' of which laws may be formulated, are artifacts, or are conceptual rather than wholly perceptual, the laws may perfectly well subsist without being laws of Nature, unmutilated by man's conceptual thought, at all. These considerations should be borne in mind by natural theologian and man of science alike when they would compare notes and come to a mutual understanding. We should recognize that by 'Nature,' when we talk of laws of Nature, several possible things, and not one only, may be meant.

And now, at last, we may enter upon the more directly theological questions which the idea of natural law suggests.

First, is such regularity as science has empirically established in wide tracts of natural phenomena, compatible with divine government? We must take it that part of phenomenal Nature, or, rather, of the conceptualized diagram or skeleton which constitutes the Nature of which science treats, is "according to number and law," or at least has been found to be during man's historical time-period. It may be, as I have

hinted, that law only obtains, in the precise form in which science has formulated it piecemeal, of the world as conceived, as dismembered into discrete things partly of our own carving out of what is really a continuum. But in order to make our difficulty as great, rather than as evanescent, as may be, I will proceed on the assumption — rubbing it in that it is a provisional assumption — that what science has set up as 'Nature' is identical with the very reality that we cannot directly know but see only through a mirror, in a riddle, and in part. In any case, I take it, there must be some sort of correspondence between science's Nature and very Nature, otherwise the validity of science would have no ground whatever. Part of Nature, the part we call physical, is at least largely characterized by regularity. Does this regularity necessarily suggest atheism? I think we may answer, assuredly not. Were the physical cosmos a machine and no more, were mechanicity the sole truth and the whole truth about it, which it assuredly is not, that would not suffice to prove the fool's negative, 'There is no God.' Law of cast-iron rigidity in the physical realm might still be of God's ordaining, and conceivably might be instrumental to divine purpose. Science assumes, as a rule of its game, that the world is a closed system: that is, it agrees to investigate the world and talk of it as if it were one. That it is a closed system, it does not and cannot know; it neither asserts it nor denies it. Science is atheous, but not atheistic. If science had really found the world to be a mechanism merely — which it can never do, the machine, as is the case with every human machine, from which the analogy is derived, might still serve a Maker's purpose.

Thus deism, as it is wont to be called, at least is a possibility, which science after having done its deadliest, could not rule out. According to this particular species of theism, God gave to every created thing or substance its specific nature, and to the whole universe of things its primary collocations; from their action and reaction flowed the course of Nature, the settled order or the natural of Bishop Butler, with its epigenesis or developement-potentiality. In its extremer forms this deistic philosophy played unnecessarily into the hand of

atheism, in reducing the whole concern of God with the world to its primary moving, and in finding no room for immanent conservation. Law was indeed divinely given law; but once given, it was supposed to be unconditional and immutable. Belief in God and in Fate, might be said to be the contents of its creed. This creed was convicted of being inadequate to theology and religion, and to be pseudo-scientific in accepting much more from science than science was in a position to give.

The reaction came in the recovery of the idea of divine immanence, and I venture to think that many theists were swept thereby into pantheism. I have deviated for the moment into history in order the more precisely to indicate that, in my belief, theistic philosophy, when confronted with the reign of law such as science legitimately upholds, must imbrue itself again with a tincture of deism, not only to avoid lapsing into pantheism, but in order to pay the respect which is due to science. There is a relatively settled order, denoted sometimes by the word 'natural' when used in antithesis to 'supernatural'; and this points quite reasonably to secondary causes and delegated efficiency, to the view that God does leave some things alone when he has "planted them out," so that whatever physical Nature at bottom is, and whatever the ground of law may be, she behaves largely as if she were a God-forsaken machine. This does not rule Providence, or even miracle, out, nor deny divine immanence: that is provided against by the words 'as if.' It does not imply that Nature is a blind mechanism and no more. And the only theistic alternative to this theory of delegated activity, of mediated divine causation as distinguished from incessant miracle or inrush of immediate and new divine energizing, is the view that there is mechanism (or rather necessary connection) nowhere, but only conservation in the Cartesian sense of recreation every instant. That is pantheism; or, if not, it leaves no room for the human subject, its spontaneity and its perduringness, and it gives no possible solution of the problem of the existence of evil in God's world.

\* In this connection I have to renounce the lead of my revered master Professor Ward; I simply cannot understand his ap-

parent repudiation of delegated activity or secondary causation, his insistence on "God and no mechanism," i.e. God as sole cause, or reconcile it with the rest of his philosophy. Matter may be the appearance of spirit, inertia the appearance of conative activity, necessity of contingency, and law-abidingness of customary routine or habitual behavior; but even so, the machine-like behavior of the physical bespeaks the delegated activity of enduring substances, a settled course, describable in terms of law, a devolved or mediated stream of causal efficiency, rather than a series of new creations according to rule. In so far as we are to adopt 'God and Nature' rather than *Deus sive Natura*, we must adopt also God and law. But of course, for the theist, God's relative independence of the created or planted-out substances is not identical with absolute independence. Science certainly knows of no laws that never shall be broken, of no necessity binding Nature fast in fate; of no closed-system world inaccessible to divine energizing or control. The day has gone by in which science could be appealed to for a denial of the possibility of even miracle; the difficulty about miracle, in any sense in which the miraculous could be of evidential value to establish revelation, is rather that, short of having a perfect knowledge of Nature's constitution, it is impossible to recognize any given event as miraculous when we see it. We must be in a position to assert the impossibility of its emerging out of the potentialities of the settled or delegated order before we can assign it to the direct or unmediated activity of God, or characterize it as 'supernatural.'

Given, then, God and things — things which owe their particular natures to God's creative will, and whose continuant natures determine their specific potentialities and are the ground of their law-abidingness, our next question is, does this stream of secondary causation, immanent and transeunt, which science describes in terms of law, necessarily imply the hyper-deistic tenet that the causal nexus, the mechanism, as it is rightly or wrongly called, is thenceforward a closed system, incapable of guidance, control, providence, miracle, immanence? Does the relatively settled order, the natural, need to be so conceived as to admit of no intrusions of the supernatural,



i.e. of fresh unmediated intrushes of the same divine energizing which set the whole machine going?

Again I take the answer to be negative; such a reign of law as we have found to be legitimately predicable of Nature by science is no such God-exclusive system as to compel us to deny divine government while allowing us to speak of divine creation.

The bare possibility of God's action upon a world he is supposed to have created, cannot be denied without absurdity. The only question that can be put by science is whether, *scientific laws still obtaining*, such intrusion is possible, or whether the assertion thereof would involve incompatibility with established scientific probabilities. As to this, I would submit that physical science is not in a position to deny the possibility of God's altering the course of Nature, within limits, from what it otherwise would have been, in such a way as to conflict with no law of Nature. By referring to limits, I exclude such acts as the conversion of water into wine; I do not exclude even so extreme a case as answering a prayer for local rain. Physics cannot rule out the possibility of the direct action of mind or will upon matter in respect of altering the paths of molecules by force at right angles to their direction, such as would change neither their mass nor the total energy or momentum of the system involved. The deflecting force does no work, yet a transformation of energy is effected; and inasmuch as no scientist watches molecular movements, he would see nothing abnormal. If anyone demurs to my science at this point, I can threaten him with my "big brother"; for I am quoting none less than the late Professor Poynting. If we are to object to prayer for divine 'interference' with the physical, it must be on ethical rather than on physical grounds. If there be a God, then the whole course of Nature, even in its law-abidingness, lies in the hollow of his hand; in certain ways, though not in any conceivable way, its tendency may be actually altered by divine interposition, and science be none the wiser. I do not wish however to stress this point; it is one of theoretical possibility. But in so far as the behavior of molar or macrobian bodies is affectable by manipulation, com-

parable to that of Clerk Maxwell's demon, of the molecular or microbian, we can perfectly well see room for divine government, for alteration of tendency by impressed force, such as would not make itself discoverable by the physicist and would therefore involve no suspension or violation of any law that he was empirically acquainted with.

I have said that I do not wish to turn this physical possibility, whatever small or large range it leaves for divine government compatible with scientific law, to theological account. I have no desire to put in a plea for the retention, for instance, of prayer for rain, even supposing that meteorological effects can be produced by guidance of molecules. But there is another way in which divine intervention in the natural order may be brought about, to which I would call attention, and one which does lend itself to explain the possibility of more things being wrought by prayer than this world dreams of. Man's psychical influence on the physical being assumed to be fact beyond factual cavil, the direct influence of the divine on the human mind may mediate to an indefinite extent law-abiding modification of Nature's tendency. Science of course cannot deny such influence; theism must assert it. It is often invoked to explain inner experience; I do not see why it should not be invoked to support belief in what have been called 'particular providences' and 'personal messages' from God, mediated in physical happenings; though it is true that the invoking of such a possibility in general might easily lend itself to the engendering of superstition. But we have only to consider how volition is determined by attention, and attention in turn by feeling, by suggestion, and in short by subjective states beyond the access of introspection, to conceive of the possibility of divine agency operating on the inmost springs of human conduct, along with and indistinguishably from, the natural causation-stream of which psychological treatises give us some account. There cannot well be less in the admittedly unfathomed mental life of man than psychology vouches for; there may very well be more. I am not now making dogmatic assertions, but I believe I am alleging possibilities and matters of faith for which knowledge at least leaves room. In general,

what I wish to imply is, that we are not bound to assume, in the present state of our knowledge, that even when psychology has found, in auto-suggestion or what not, its sufficient explanation of mental processes, that divine rapport is excluded. The bare facts justify the assertion no more than the denial, the denial no more than the assertion, of such rapport. And inasmuch as these psychic processes may issue normally in volition, and volition may affect the physical order without violating any observed natural law, we thus have room left by reign of law not only for such processes as have been called inspiration and illumination, but also for the mediated energizing of God upon the course of Nature.

So much for the compatibility of divine providence or immanence with the findings of science. In conclusion, we may ask whether the relation between scientific knowledge and theistic faith is more than that of mere compatibility.

Theism, as it seems to me, is incapable of proof from any particular facts or whole departments of fact, whether prophecy or miracle, the spiritual dignity of Christ, the phenomena of mystical or any other type of religious experience, or the spiritual value of such experience. It is presupposed by these facts, any and all of them, and its reasonable ground is to be sought in its coherent and cumulative explanation of human knowledge concerning the world, man, and history as a whole, down to its ultimate philosophical preconditions. In a word, its basis is the inexpugnable and persuasive evidence that this world and its course have a meaning: that is, purpose. There is a school of philosophy, I am aware, that tells us that meaning is no business of science and therefore should be none of the business of philosophy; its pursuit is a matter of human sentimentality. I would contend that to renounce the search for meaning is just as sentimental a pose as to pursue it, and far more unreasonable. For science itself, at bottom, is rooted in precisely this very search. The fact that the so-called probability of the assumptions on which all particular inductions are based is not an objective logical relation, and is still less the probability which algebra deals with, but is essentially hope, faith, or venture, and that reason itself derives its chief factor from the

alogical or non-rational, is a fact which has been hushed up during the history of human thought, but which has of late been revealed in its stark nakedness. Reason, I assert, is the human demand for meaning for the mind of man: theism is the profession that that meaning has been found.

Here comes in the theological significance of the regularity of Nature, of the reign of law in the sense in which science can legitimately be said to have established it. For without the similarities and the repeatableness of phenomena, without some regularity in Nature, there could neither be thought nor knowledge, prudence nor prescience, science nor theology, intellectual nor moral status. It is in virtue of a reign of law that there is a cosmos to have meaning and a human reason to discover it. In the reign of law, moreover, we have as sufficient an explanation as can be forthcoming, so long as we know but in part, of that greatest crux of theism, the existence, within an order that subserves the highest goods, of evil as a necessary by-product. Theism necessarily takes the highest good which a physical cosmos can instrumentally possess to be subservience to the rational and ethical status of finite spirits, and their communion with God. In the settled order of Nature it sees a necessary precondition of that highest good. In so far as Nature is intelligible and has a meaning, and these qualities must have a sufficient ground, the theistic interpretation becomes the most reasonable. The world *is* a cosmos. Newton did not make a chaos into a cosmos when he discovered his laws of motion and gravitation; it was a cosmos already in the time of Ptolemy. And it is not merely its cosmos-form, its repeatable similarities, that Nature shows to science; more significant is the epigenesis, the evolutionary development from lower to higher, the suggestiveness of increasing purpose which it presents. This suggestiveness, expressed in terms of teleological, aesthetic, and moral arguments for the being of God, has always been the basis of common-sense natural theology, and has always commanded the respect of philosophers even when, like Hume and Kant, they have been severely iconoclastic. That so much of order as the world presents can be the outcome of blind chance or undesigned and ungrounded coincidence has generally been



as shocking to human reason as it would be to have it argued that Hamlet was produced by the shuffling of some founts of type. It is difficult, to say the least, to conceive of a world being elaborately intelligible and also amenable to ethical ends, unless it be the outcome of intelligence. If Nature's regularity and adaptiveness is to have a ground, as indeed it must, we can find no such ground in Nature itself or its parts, nor in the mind of man, which cannot begin to be rational unless external order be first presented to it; the only alternative then is the theistic. A reign of law such as we find, and such as is not to be confounded with its pseudo-scientific travesties, is one of the strongest links in the chain which binds scientific knowledge to religious faith.



# THE MOTE AND THE BEAM

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## I

IN illustration of Matt. 7, 3-5 the commentaries are accustomed to quote from Jewish sources the Talmudic treatises 'Arakin 16b and Baba Batra 15b. Thus A. H. McNeile, *The Gospel according to St. Matthew* (1915), says with reference to Matt. 7, 3: "An illustration of the warning in v. 1. It was perhaps another current proverb. R. Tarphon (beg. 2d cent. A.D.) lamented that men in his day could not accept reproof; if one said to another, 'Cast the mote out of thine eye,' he would answer, 'Cast the beam out of thine eye' (Erach. 16b; cf. B. Bath. 15b); but this was possibly an attack on the New Testament words." W. C. Allen, *A Critical and Exegetical Commentary on the Gospel according to S. Matthew* (1907), remarks on the same verse: "Cf. Arachin 16b, where R. Tarphon (end first cent. A.D.) says: 'If one says, Take the mote from thy eye, he answers, Take the beam from thine eye.'" J. A. Broadus in his *Commentary on the Gospel of Matthew* (1886), says: "The illustration our Lord uses is found several times in the Talmud; e.g. 'I wonder whether there is any one in this generation who is willing to receive reproof. Nay, if one says to another, Cast out the splinter from thine eye, he will reply, Cast out the beam from thine eye.'" The list could be continued at length. The illustrations have been furnished by Buxtorf's *Lexicon Chaldaicum Talmudicum et Rabbinicum*, Cartwright's *Mellificium Hebraicum*, Lightfoot's *Horae Hebraicae et Talmudicae*, Meuschen's *Novum Testamentum ex Talmude et antiquitatibus Hebraeorum illustratum*, or Wetstein's edition of the New Testament, the sources through which most of the rabbinical material got into the stream of New Testament commentaries,<sup>1</sup> where these

<sup>1</sup> See article by G. F. Moore, 'Christian Writers on Judaism,' in *Harvard Theological Review*, July, 1921.

passages are referred to. Buxtorf, for example, quotes (on קיסם, col. 2080) the passage from 'Arakin 16b: טול קיסם מבין עיניך אמר לו טול קורה מבין עיניך *Tolle festucam ex oculo tuo. Respondit ipsi: Tolle trabem ex oculo tuo*, and connects it with Matt. 7. One commentator took his illustration from one or other of these sources, and subsequent commentators either borrowed from him or went to the same fountains. No one apparently undertook the task of investigating the Talmudic texts.

## II

The common element of the texts quoted from 'Arakin 16b and Baba Batra 15b by Buxtorf, Lightfoot, and others is טול קיסם מבין עיניך . . . טול קורה מבין עיניך. There is a strong probability, however, that in the first clause the original reading was שיניך ('your teeth') instead of עיניך ('your eyes'). Nathan ben Jehiel, the lexicographer of the Talmud, in his 'Aruk, under קסם, quotes the passage from 'Arakin 16b with שיניך, and notes no other reading. Nathan was born in Rome not later than 1035, and died in 1106. The Jewish community in Rome was one of the oldest in Europe, and the learning of its scholars in this period was held in high estimation.<sup>2</sup> Nathan began his rabbinical studies under his father, and then went to Sicily, where he sat under Maşliaḥ ibn al-Başaḥ, who had studied under Hai, son of Sherira, the last of the Geonim of the Academy of Pumbedita (died 1038). The learned tradition of the Babylonian schools was thus accessible to Nathan, and in his 'Aruk he makes use of the information which he received in both oral and written form from R. Maşliaḥ. The name of Hai Gaon himself appears frequently in its pages. Among his sources, Nathan makes use also of the writings of R. Ḥananeel b. Ḥushiel and R. Nissim b. Jacob, both of whom lived during the first half of the eleventh century in Kairwan, North Africa, and were heads of the famous school there. During the prosperous period of the Jewish community in Kairwan, from the

<sup>2</sup> "Von alters her war Rom eine Pflegestätte jüdischer Wissenschaft; halachische und haggadische, historische und exegetische Studien waren in den letzten Jahrhunderten des ersten Jahrtausends dort heimisch, auch die Poesie fand ihre Pflege." Vogelstein und Rieger, Geschichte der Juden in Rom, vol. I, p. 350.



end of the eighth to the beginning of the eleventh century, the community contributed towards the support of the academies of Sura and Pumbedita. An active correspondence was carried on between the scholars of Kairwan and the Geonim, on questions of tradition and law,<sup>3</sup> and there are records of two, if not three, Babylonian teachers settling and teaching there. Ḥananeel wrote a commentary on the Talmud of which Nathan made much use. Ḥananeel had old manuscripts before him in the preparation of his work, and thus his commentary has been of great service in establishing the correct text of the Talmud. The extant manuscripts of this commentary do not comprise all the treatises of the Talmud, but it would appear that the commentary covered others, if not all, of these, for the *'Aruk* makes use of that on Baba Batra and others not in the manuscripts. From his Roman, but especially from his Babylonian, connections, therefore, the testimony of Nathan ben Jehiel to the reading שִׁינִיךְ in 'Arakin 16b is of great weight.

Alfasi in his *Halakot* (פ"ב רבנא מציעה ע"ז) quotes the passage from 'Arakin with שִׁינִיךְ. Alfasi was born in 1013 in a village near Fez, in North Africa, and died at Lucena in Spain in 1103. He studied under Rabbis Ḥananeel and Nissim of Kairwan, and after the death of his teachers was regarded as the chief expounder of the Talmud. In his *Halakot* he quotes Hai Gaon and other Geonim by name.

The *Yalkuṭ Shim'oni* on Ruth 1, 1 quotes the saying טל שִׁינִיךְ קיפם וגי. This is the reading of the editio princeps of Salonica, 1521, and that of Venice, 1566.<sup>4</sup> According to the

<sup>3</sup> The most famous was one directed by Jacob b. Nissim to Sherira Gaon, which drew from the latter a letter in which he answered inquiries about the origin and transmission of the Mishnah, etc. The latest and best edition of this letter is that of Dr. B. Lewin, אנדרת רב שרירה גאון, published by the author, P. O. Box 120, Haifa, Palestine.

<sup>4</sup> Editors of the *Yalkuṭ* who had no perception of the critical value of the variants allowed themselves to correct its text into conformity with the printed texts of the Talmud and Midrashim. An example of this is the edition of the *Yalkuṭ* printed at Zolkiew (by Berl Lorje & Leib Matfes), 1858, which has עִינִיךְ for שִׁינִיךְ in the passage on Ruth 1, 1. Rabbi S. H. Glick, in his "En Jacob, Agada of the Babylonian Talmud" (New York, 5682), makes the translation of Baba Batra 15b read: "If the judge said to a person: 'Remove the mote from thy eye,' he answered, 'Take the beam out of thine eyes,'" although curiously enough he has שִׁינִיךְ in his text.

view of Zunz, Epstein, and others, the compilation of the work was effected in the early part of the thirteenth century. Azariah de Rossi had seen a manuscript of the *Yalkuṭ* dated 1310.<sup>5</sup>

The *'En Ya'akov* reads שיניך both in the passage in 'Arakin and in Baba Batra. This collection of the haggadic sections of the Talmud was made by Jacob ibn Ḥabib of Zamora in Spain. Expelled from Spain, Ḥabib settled at Salonica, where in the preparation of his work he made use of the resources of the rich library of Don Judah ben Abraham Benveniste and also of that of Don Samuel Benveniste. The first edition of the work was begun in 1516, in the life-time of the author.

The reading שיניך is to be found in the passages under discussion in the *Haggadot ha-Talmud* also. The first edition of this collection of haggadic material appeared in Constantinople in 1511, but Rabbínovicz is convinced that it was in manuscript form long before this, and from a comparison of the *Haggadot ha-Talmud* with a manuscript of the *Yalkuṭ* which he dates between the years 1340 and 1390, it appears that the former work was in the hands of the compiler of the *Yalkuṭ* and that he copied from it.<sup>6</sup>

Goldschmidt, in his edition of the Babylonian Talmud, in a note on Baba Batra 15b, says: "Statt עיניך haben manche Codices שיניך Zähne." Strack too, in his *Das Evangelium nach Matthäus* (1922), page 446, quotes 'Arakin 16b as an illustration of Matt. 7, 3 ff., and adds: "in andren Ausgaben: 'Zwischen deinen Zähnen' מבין שיניך," but what these manuscripts or editions were does not appear. M. Jastrow, in his *Talmud Dictionary* mentions (under קיסם) that the Hamburg manuscript of the Talmud<sup>7</sup> has the reading שיניך. Kohut in the *Aruch Completum* makes the same statement.

In the only complete manuscript of the Babylonian Talmud, the Munich Codex Hebraicus 95, written in A.D. 1343,<sup>8</sup> the

<sup>5</sup> Azariah de Rossi, *Me'or 'Enayim* (1866), p. 230.

<sup>6</sup> Rabbínovicz, *מאמר על הרפסת התלמוד*, Munich, 1877, p. 132.

<sup>7</sup> See Strack, *Einleitung in Talmud und Midraš*, 5th edition, p. 82. The manuscript was copied in 1184.

<sup>8</sup> See Strack, *Einleitung in Talmud und Midraš*, 5th edition, p. 81.

reading of both the 'Arakin and Baba Batra passages is עיניך. With this reading all the printed editions of the Babylonian Talmud appear to agree, their evidence, however, being that of virtually only one witness. The weight of external evidence therefore decidedly favors the reading שיניך.

### III

On internal grounds also the reading that seems to be demanded is: מול קיסם מבין שיניך 'Remove the splinter from between your teeth.' The phrase מבין is not happily translated by 'out of,' but more rightly and naturally by 'from between.' Its use in this sense can be seen in such Old Testament passages as Gen. 49, 10; Exod. 25, 22; Hosea 2, 4; Zech. 6, 1; 9, 7; Deut. 28, 57. Zech. 9, 7 would seem to be decisive of the matter. It reads: והסרתיו רמיו מפיו ושקציו מבין שניו, 'And I will take away his blood out of his mouth, and his abominations from between his teeth.' Here the clauses are parallel in thought, it is true, but the prepositions used are not the same; to express the thought of taking anything out of the mouth requires the preposition מן, the same idea with regard to the teeth requires מבין. The natural preposition to use of removing an obstruction from the eye would be מן, 'out of,' 'from.'

It should be further noticed that while in Matt. 7, 3-5 the singular form 'eye' (ὁφθαλμῷ, ὁφθαλμοῦ) is used, in the passages under discussion from the rabbinical sources the plural form (עיניך) appears. Now, even if it were permissible to translate מבין as 'from' or 'out of,' while there would be some meaning to the exhortation, 'Remove the splinter from your eye,' it is difficult to see what meaning would be conveyed by 'Remove the splinter from your eyes.' There is no difficulty when שיניך is read.

I might add that in Buxtorf, Cartwright, Lightfoot, Wetstein, and of course the commentators who extracted the illustrations from them, the reading 'eye' (sing.) is almost invariably given.<sup>9</sup> Strack, in his *Das Evangelium nach Matthäus*, in the

<sup>9</sup> The only exception is Scheid (in Meuschen), who, in a learned discussion of both Talmudic passages, translates 'ex oculis tuis.'

note on Matt. 7, 3 ff., does, indeed, in his translation of 'Arakin 16b, use the plural 'Augen,' but the preposition 'aus,' his translation of the passage being as follows: "R. Tarphon (um 100) hat gesagt: Es sollte mich wundern, wenn es in dieser Generation Einen gäbe, der Zurechtweisung annimmt. Wenn man ihm sagen würde: Nimm den Splitter (קיסם, Span) aus deinen Augen fort, so würde er antworten: Nimm den Balken קורה aus deinen Augen (in andren Ausgaben: 'Zwischen deinen Zähnen' מבין שיניך fort." Jastrow in his Talmud Dictionary gives as an illustration of the use of נטל: "Arakh. 16b; B. Bath. 15b (Ag. Hatt. שיניך) טול קיסם מבין עיניך remove the chip from between thy eyes (teeth)," but he illustrates קיסם as follows: "B. Bath. 15b 'a generation which judges its judges,' אומר לו טול ק' מבין עיניך וכו' (Ms. O. קוצא thorn; Ms. H. ק' מבין שיניך) when he says to a person, take the chip out of thy eye (teeth), he answers, take the beam, etc." Goldschmidt, in his edition of the Babylonian Talmud, keeps closest of all to the text in his translation of Baba Batra 15b: "Wenn jemand zu einem sagte: nimm den Splitter von zwischen deinen Augen, so erwiderte ihm dieser: nimm den Balken von zwischen deinen Augen." All the others, apparently, were governed by the idea that the saying in 'Arakin 16b and Baba Batra 15b was a parallel in wording and thought to that in Matt. 7, 3-5, and felt under the necessity of straining their translation to bring this out.

In 'Arakin 16b, the passage in Lev. 19, 17 is under discussion: "Thou shalt not hate thy brother in thy heart; thou shalt surely rebuke thy neighbor, and not bear sin because of him." A Tannaite tradition is reported on the point: א"ר טרפון תמיהני [תמה] אני אם יש ברור הזה שמקבל תוכחה אם אמר לו טול קיסם מבין עיניך [שיניך] אמר לו טול קורה מבין עיניך א"ר אלעזר בן עזריה תמיהני אם יש ברור הזה שיודע להוכיח, 'Said R. Tarphon (second generation of the Tannaim, circa 90-130 A.D.): I wonder if there is in this generation anyone who accepts reproof! If one man were to say to another: Remove the splinter from between your eyes [teeth], the other would answer him, Remove the beam from between your eyes. Said R. Eleazar b. Azariah, I wonder if there is in this generation anyone who knows how to reprove.'



In the parallel passage in the Sifra there is no mention of the 'splinter' and 'beam': א"ר טרפון העבודה אם יש בדור הזה יכול להוכיח: א"ר אלעזר בן עזריה העבודה אם יש בדור הזה יכול לקבל תוכחה א"ר עקיבא העבודה אם יש בדור הזה יודע היאך מוכיחים (Weiss f. 89b): 'Said R. Tarphon, By the cultus! There is not in this generation anyone who is able to reprove. Said R. Eleazar b. Azariah, By the cultus! There is not in this generation anyone who is able to receive reproof. Said R. Akiba, By the cultus! There is not in this generation anyone who knows how to reprove.'

The passage in Baba Batra 15b starts from Ruth 1, 1. The Revised Version of the Bible renders this verse: 'And it came to pass in the days when the judges judged, that there was a famine in the land.' The rabbis, however, interpreted the text: 'In the days of the judging of the judges,' i.e., 'when the people judged their judges.' Thus the passage in Baba Batra reads: ואמר רבי יוחנן מאי דכתיב ויהי בימי שפוט השופטים דור ששופט את שופטיו אומר לו טול קיסם מבין עיניך [שיניך] אומר לו טול קורה מבין עיניך 'Said R. Johanan, What is the meaning of the passage, In the days of the judging of the judges? A generation which judges its judges. If one man should say to another, Remove the splinter from between your eyes [teeth], the other would reply to him, Remove the beam from between your eyes.' The parallel to this in the Sifré on Deut. 1, 1 is as follows: אל כל (בני) ישראל מלמד שהיו כולם בעלי תוכחה ויכולים לעמוד בתוכחות א"ר טרפון העבודה אם יש בדור הזה מי שיכול לקבל תוכחה א"ר עקיבא העבודה אם יש בדור הזה יודע היאך מוכיחים (ed. Friedmann, f. 64a) "Unto all Israel." Teaching that all of them were experts at reproving and able to endure reproof. Said R. Tarphon, By the cultus! There is not in this generation anyone who is able to receive reproof. Said R. Akiba, By the cultus! There is not in this generation anyone who knows how to reprove.'

The context is different in 'Arakin and Baba Batra, and the appearance of the expression 'Take the splinter,' etc. in both suggests that it was a proverbial expression. In M. Beṣah iv. 6 occurs the sentence: רבי אליעזר אומר נטל אדם קיסם משלפניו, להצוין בו שניו that which is before him (i.e. from among the chips in the courtyard) with which to pick his teeth (on a holy day).' Again,

in Tosefta Shabbat chap. 5 (6), 1, יוצא אדם בקיסם שבשניו, 'A man may go out with a splinter of wood which is in his teeth.' This makes it possible to render מובן שיניך 'Remove the tooth-pick from between your teeth.' A clearer meaning might be given to the second half of the saying by rendering מובן עיניך by 'from before you,' or 'from your sight.' A more exact preposition to express this thought would be מנגד; see Is. 1, 16 הסירו רע מעלליכם מנגד עיני, 'Put away the evil of your doings from before my eyes (i.e. from my sight)'; see also Jonah 2, 5; Psalm 31, 23; Amos 9, 3, and Jer. 16, 17. But since by the retention of every possible minor word the two contrasted words, קיסם and קורה, were thrown into stronger relief, מובן was retained, since there could be no mistaking the meaning.<sup>10</sup>

#### IV

The question underlying the saying is that of reproof. The rabbis recognized that if one saw his fellow commit a sin, he must reprove him, and thus endeavor to bring him back to the better way of life. For this task of reproving they had the warrant of Lev. 19, 17: "Thou shalt surely rebuke thy neighbor." But one who takes upon himself to reprove another should first look to it that he is not guilty of a greater fault than that of the one he would correct. That truth is picturesquely enforced by the saying under discussion. The קיסם is a chip, fragment, splinter of wood, or piece of straw (see references previously given, and also Beṣah 33b; Shabbat 54b, etc.). The קורה is a beam, joist, or post (see M. Beṣah iv. 3). The whole force of the saying lies in the contrast between קיסם and קורה, between a small fragment of wood, splinter or tooth-pick, it may be, and the immensely larger timber, a joist or a beam. Thus in the saying, the 'splinter' represents a slight sin or small fault of which one is guilty, while the 'beam' stands for a serious sin or greater fault. This is the interpretation put upon the proverbial expression by the Jewish commen-

<sup>10</sup> 'Between the eyes' is in the middle of the forehead, like the plate in the mitre of the high priest, Kiddushin 66a בצ"ץ שבין עיניך, or the Ṭotafot (Tefillin) Deut. 11, 18.

tators, Gershom, Rashi, and Samuel Edels. The latter (Polish rabbi and commentator, 1550–1631), by way of an illustration of the expression, introduces the imaginary case of a man who stole a beam from another, prepared it with adze and axe, and built it into a mansion. The second man in turn stole the chips from the first man, smoothed and prepared them for use as tooth-picks. Then the following dialogue between the two men ensued: “The first man says to the second, ‘Remove the tooth-pick which you stole from me from between your teeth,’ and the second man answered him, ‘Remove the beam itself which you have built into your mansion, and which is always in your sight.’” Edels adds the following: “And repentance is a difficult matter for you, for even if you are not obliged to take down the entire mansion and make compensation, as is prescribed for repentant sinners, as provided in the section on Damages [M. Baba Kamma ix], nevertheless the stolen thing in your mansion is always in your sight.” We can very well imagine that some such incident as this may have originally formed the basis of the proverbial expression.<sup>11</sup>

Parallel in thought to this proverb is the meaning given to Zeph. 2, 1, התקוששו וקושו, by R. Simeon b. Lakish, a Palestinian Amora of the second generation, as reported in Baba Meṣi’a 107b, bottom (repeated in Baba Batra 60b, top; Sanhedrin 18a and 19b, bottom; and in the Yalkuṭ on Jer. 21): קשוטם קשוטם אחרים ‘Clean up yourself (i.e. correct yourself), and afterwards clean up others.’<sup>12</sup> In j. Ta’anit 65a, bottom, R. Joshiya (third century) applies the words in Zephaniah in this sense: נחקושש גרמן עד דלא נקושש חורנין. Kimḥi offers an explanation of the passage in Zephaniah, based on the meaning and use of קשש, to gather stubble or wood. He accordingly interprets התקוששו וקושו, ‘Search out your own

<sup>11</sup> R. Gershom (d. 1040 in Mayence) paraphrases the passage in Baba Batra thus: אם יאמר לו השופט מול קיסם שלך גזילה מתחת ידך היה משיב הוא לשופט מול קורה שהוא גדול מזה, ‘If the judge said to a man, Remove the splinter which you have acquired by theft, he would reply to the judge, Remove the beam which is larger than this splinter,’ showing that, like Edels, he understood the proverbial expression to refer to theft.

<sup>12</sup> Here the similarity in sound of קשש and קשט is made the basis of the interpretation.



blemishes, then search out the blemishes of others afterwards.' Thus נקוש גרמין ער ולא נקוש חורנין may be translated, 'Let us pick the stubble off ourselves, before we pick it off others,' it being accordingly equivalent in meaning to the other and more usual version; in fact in the parallel story in Ekaḥ Rabbati on Lam. 3, 40 ("Let us search and try our ways, and turn again to the Lord") appears the reading: נקשט גרמין ער ולא נקשט אחרין, 'Let us clean up (i.e. correct) ourselves before we clean up others.'

In the Midrash Tehillim on Psalm 53 the interpretation of Zeph. 2, 1 is amplified somewhat: אם תרצה לקשט את אחרים קשט עצמך 'If you wish to correct others, correct yourself first.'<sup>13</sup> This sums up the meaning of the proverbial saying under discussion as concisely as it could be done.

## V

In conclusion, then, the figure in 'Arakin 16b and Baba Batra 15b presents a parallel to that of Matt. 7, 3-5 in general idea only. In Matthew the mote and the beam are *in* the eye, and the beam must be removed before the critic can see clearly to take the mote out of the other's eye. The contrast of the mote and the beam seems to have been proverbial, but is differently expressed and applied.

Much confusion exists as to the meaning of the word 'mote' in English versions of Matt. 7, 3-5 and Luke 6, 41-42. The word appears in Wiclif's version of 1380, and was retained in the versions of Tyndale, Cranmer, Geneva, Rheims, and in the Authorized and Revised Versions. Murray's *New English Dictionary* notes that it also appears in an Anglo-Saxon Gospel (c. 1000) in Matt. 7, 3.

*Webster's New International Dictionary of the English Language* (1913) gives as one of the meanings of 'mote': "A straw or stalk. *Dial. Eng.*" Murray's *New English Dictionary* notes the same meaning, and gives a quotation from Gould's *English Ants*, 1747, showing that the word mote was in use

<sup>13</sup> These words are not found in the manuscript on which Buber's text here is based, but they are in his other MSS. and the editions (see Buber's *Tehillim*, f. 144a, note 12).



in that sense in literary English as late as that date. Wiclif's version was made from the Vulgate, and that version represents *κάρφος* by *festuca*.<sup>14</sup> Wiclif knew his Latin, and it cannot be doubted that when he chose the word 'mote' to represent *festuca*,<sup>15</sup> he had its meaning of 'straw,' 'stalk,' or 'twig' in mind. Tyndale, translating from the Greek, retained the word because it equally well translated *κάρφος*.<sup>16</sup>

Unfortunately for biblical exegesis, the word 'mote' has in modern English another meaning (to quote again the New International Dictionary), "a small particle, as of floating dust; anything proverbially small; a speck." This fact has given rise to great confusion in our dictionaries. To give a few examples: Murray's New English Dictionary gives Matt. 7, 3 as an illustration of 'mote' in the sense of particle of dust, instead of a straw, stalk, or twig. The *Century Dictionary and Encyclopedia* makes the same error of illustration. Skeat, *An Etymological Dictionary of the English Language* (Oxford, 1910); Weekley, *An Etymological Dictionary of Modern English* (London, 1921); *The Encyclopaedic Dictionary* (1895); and the *Imperial Dictionary of the English Language* (London, 1882) give only the one meaning to the word, that of 'dust,' 'speck,' or the like. Weekley and the Imperial give Matt. 7, 3 as an illustration of this meaning. From this it will be readily seen how the popular impression that the 'mote' of Matthew and Luke means a speck of dust has been fostered. The article on 'Mote' in Hastings's *Dictionary of the Bible* is a compound of the two meanings noted.

It is interesting to note the renderings that have been given Matt. 7, 3 in English versions outside of those already mentioned. Wynne's version (London, 1764) has the usual 'mote' and 'beam,' but there is a note to the verse: "*δοκός* is a large beam of timber, and opposed to *κάρφος*, a small splinter of

<sup>14</sup> The *Thesaurus Linguae Latinae* (Leipzig, 1916) notes (on *festuca*) that the *Itala* (cod. e) represents *κάρφος* in Luke 6, 41; 42 by 'stipula,' a synonym of 'festuca.'

<sup>15</sup> The *Thesaurus Linguae Latinae* defines 'festuca': "i. q. calamus, culmus, stipula, surculus sim."

<sup>16</sup> Stephanus, *Thesaurus Graecae Linguae*: *Κάρφος*, τὸ, . . . || *Κεραία* ξύλου λεπτή, Hesychio, Apex tenuis a ligno fissio abscedens: . . . . . || *Festuca*, i.e. Arida et crasior in foeno nondum demesso stipula, vel etiam Aridum et leve foenum.

wood, alluding probably to some proverbial expression among the Jews." Worsley (London, 1770) renders the verse: "And why dost thou look at the splinter in thy brother's eye, but take no notice of the beam in thine own eye?" with a note with regard to 'splinter': "Gr. chaff." This is practically the rendering of Wakefield (London, 1791). Fenton (London, 1900) uses the words 'dust' and 'chip' in his rendering. Here there is a wrong translation of *κάρφος*, and then an obvious attempt to bring the two contrasted things to what he thought was a more reasonable level by a wrong translation of *δοκός*! Weymouth's *Modern Speech New Testament* makes the contrast one between 'speck' and 'beam of timber.' *The Twentieth Century New Testament* (New York, 1904) gives 'straw' and 'beam' as the two contrasted words. Moffatt's *New Translation* has 'splinter' and 'plank.' This translation is a gain on the one hand, but a loss on the other, for it is doubtful if 'plank' is the best meaning that could be chosen for *δοκός*. The latest versions, that of Goodspeed (1923) and of Ballantine (1923), both have 'speck' and 'beam.'

An example of an error in the second degree is presented in Lewis and Short's *New Latin Dictionary*, where the proper meaning of *festuca* is given as "a stalk, stem, straw," with a further definition of it as "a trifle, particle, mote: in oculo fratris, Vulg. Matt. 7, 3; ib. Luc. 6, 41." This, of course, is carrying back into Latin the misunderstanding of the word 'mote' in English. The *Thesaurus Linguae Latinae* shows that *festuca* has no such meaning. The references to the Latin Fathers given in the *Thesaurus* prove that they perfectly understood that Matt. 7, 3 presents a contrast between two things of the same kind, though not of the same size.